

THE COMMITTEE SYSTEMS OF LOCAL AUTHORITIES
IN THE CAPE PROVINCE WITH PARTICULAR REFERENCE
TO THE PRACTICE IN THE MUNICIPALITY OF
SOMERSET WEST

BY

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D E C L A R A T I O N

I the undersigned hereby declare that the work contained in this thesis is my own original work and has not previously in its entirety or in part been submitted at any university for a degree.

[Redacted Signature]

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SUMMARY

Municipal councils appoint committees and delegate powers to these committees and principal officers to more effectively dispose of or perform their functions and duties. Committees have become an integral part of the organisational structure of municipalities, a fact borne out by the numerous investigations which have been carried out over years in respect of their functioning.

For the purposes of this thesis the following normative guidelines for the effective functioning of committees have been identified, namely:

- terms of reference;
- size and number of committees, and
- delegations to committees and officials.

The findings and recommendations of a number of commissions and committees of enquiry which have been appointed to investigate the management and structure of local authorities in the United Kingdom and South Africa were evaluated in terms of the normative guidelines. The findings of these commissions and committees of enquiry revealed that there was a serious lack of delegations to committees and to officials, that councils appointed too many committees comprising a large number of councillors and that committees were not given terms of reference.

Due to the fact that the Municipal Ordinance, 1974 (Ordinance 20 of 1974), of the Cape Province enables councils to appoint occasional and standing committees as and when required, an empirical analysis of the committee systems of selected local authorities in the Cape Province was carried out by means of a questionnaire and an in-depth analysis was made of the past and present committee systems of the Somerset West Municipality.

The study revealed that the majority of the local authorities make use of the Multiple Committee System, the committees comprise of two thirds or less of the total number of councillors and that as local authorities grow the need to frame clear terms of reference for committees and to delegate powers to committees and principal officers increases.

Flowing from the findings of the study and taking cognisance of the fact that the Somerset West Town Council made numerous *ad hoc* changes to its committee system over the period in question, a committee system and structure is recommended for Somerset West which includes the abolition of certain committees, the composition and size, terms of reference, functions and delegations to the respective committees as well as to principal officers.

OPSOMMING

Munisipale rade stel komitees aan en delegeer magte aan hierdie komitees en hoofamptenare ten einde groter effektiwiteit in die uitvoering van hul funksies en pligte te verseker. Komitees vorm 'n integrale deel van die organisasiestruktuur van munisipaliteite, soos blyk uit die vele ondersoeke wat oor jare na hul funksionering uitgevoer is.

Vir die doeleindes van hierdie tesis is die volgende normatiewe riglyne vir die effektiewe funksionering van komitees geïdentifiseer, naamlik:

- verwysingsraamwerk;
- grootte van en aantal komitees, en
- delegasies aan komitees en amptenare.

Die bevindings en aanbevelings van 'n aantal komitees en kommissies van ondersoek wat aangestel is om die bestuur en struktuur van plaaslike bestuur in die Verenigde Koninkryk en Suid-Afrika te ondersoek is ooreenkomstig die normatiewe riglyne geëvalueer. Die bevindings van hierdie komitees en kommissies van ondersoek het 'n ernstige gebrek aan delegasie na komitees en amptenare aan die lig gebring, ook dat rade te veel komitees bestaande uit 'n groot aantal raadslede aangestel het en dat komitees geen verwysingsraamwerk ontvang het nie.

Aangesien die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) van die Kaapprovinsie munisipale rade staatsel om geleentheids- en vaste komitees soos en wanneer benodig aan te stel, is 'n empiriese ontleding van die komiteestelsels van uitgesoekte plaaslike owerhede in die Kaapprovinsie gedoen deur middel van 'n vraelys, asook 'n in-diepte ontleding van die vorige en huidige komiteestelsels van die Somerset-Wes Munisipaliteit.

Die studie het aan die lig gebring dat die meeste plaaslike owerhede gebruik maak van 'n Meervoudige Komiteestelsel, dat komitees uit twee-derdes of minder van die totale aantal raadslede bestaan en dat namate plaaslike owerhede groei, daar 'n toenemende behoefte bestaan aan duidelike verwysingsraamwerke in komitees en die delegasie van magte aan komitees en hoofamptenare.

Voortvloeiend uit die bevindings van die studie en met inagneming van die feit dat die Stadsraad van Somerset-Wes gedurende die tersaaklike periode verskeie *ad hoc* veranderinge aan sy komiteestelsel aangebring het, word 'n komiteestelsel en -struktuur vir Somerset-Wes aanbeveel, waarby ingesluit is die wegdoening van sekere komitees, die samestelling en grootte, verwysingsraamwerk, funksies en delegasies aan die onderskeie komitees en hoofamptenare.

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CHAPTER 1

GENERAL INTRODUCTION

1. BACKGROUND TO THE STUDY

South Africa has by and large inherited its local government system from the United Kingdom. The functions of local authorities in South Africa resemble those in the United Kingdom.

Councils of local authorities in South Africa comprise representatives elected by the community and they usually operate by making use of committees of councillors who advise or make recommendations to the council on the issues falling within their respective terms of reference.

With time and as the role, functions and demands placed on local authorities by communities became more complex and diverse, the need for councils to delegate plenary powers to its committees and principal officers became apparent.

In order to establish whether local authorities were meeting the increased demands placed on them effectively and were making use of their available resources in an efficient manner, various commissions of enquiry were appointed in Britain and South Africa to examine and report on the internal organisation and structure of local authorities.

All but one of the commissions of enquiry dealt with in this thesis recommended the replacement of the multiple committee system with a management/executive committee system for local authorities. The recommendations of the commissions of enquiry in South Africa were given legislative effect by the promulgation of ordinances in the provinces of Transvaal and Orange Free State, the then South West Africa and for the Municipality of Cape Town.

- 2 -

The **Municipal Ordinance, 1974** (Ordinance 20 of 1974), which is applicable to local authorities in the Cape Province is open-ended with regard to the establishment or non-establishment of committees. Due to this provision in the **Municipal Ordinance, 1974**, the Town Council of Somerset West has over the years not only utilised different committee systems but also functioned at times without any committees.

2. PURPOSE

In view of the *ad hoc* approach adopted by the Town Council of Somerset West over the years with regard to its committee system an empirical analysis was carried out. This analysis was done by means of a questionnaire pertaining to the committee systems of a selection of local authorities in the Cape Province (see Annexure "D").

Flowing from the literature studied, an evaluation of the findings and recommendations of the various commissions of enquiry, an examination of the committee system of the Town Council of Somerset West and an evaluation of the empirical analysis of the committee systems of a selection of local authorities in the Cape Province, a committee system for Somerset West is recommended which includes the composition of the committees, terms of reference, functions and delegations.

3. METHODOLOGY

The study principally entails an evaluation of the various committee systems of a selection of local authorities in the Cape Province and in particular the system in place in Somerset West.

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The study is primarily based on the following:

- literature and published articles on municipal government and administration;
- reports of various committees and commissions of enquiry which have over the past few decades been appointed in Britain and South Africa to examine the system of local government and the internal organisation and structure of local authorities;
- provincial ordinances whereby local authorities are established;
- research of the minutes of meetings of the Municipality of Somerset West from 1960;
- interviews conducted, and
- an empirical analysis of the committee systems of a selection of local authorities in the Cape Province.

4.

FORMAT OF THESIS

Chapter 2 deals with the history of local government in the Cape Province through to the establishment of the first municipalities as well as the powers, duties and functions of local authorities in terms of the present relevant legislation, namely the **Municipal Ordinance, 1974**.

In Chapter 3 the tools used by municipal councils to divide and ease their workload, namely committees and delegation of power is examined as well as the various committee systems which are used by local authorities in this regard.

- 4 -

Local authorities in the United Kingdom and South Africa primarily made use of the Multiple Committee System up to the mid 1960's. Various commissions of enquiry were appointed between 1955 and 1970 to examine the internal organisation of local authorities, the findings and recommendations of which are addressed in Chapter 4.

The various committee systems put into practice by the Somerset West Municipality over the past 30 years is dealt with in Chapter 5 with the view to establishing the reasons for their adoption and where applicable abolition.

Chapter 6 deals with the findings of an empirical analysis of a selection of local authorities in the Cape Province conducted by means of a postal questionnaire to gain particulars with respect to the committee systems in operation and the delegation of powers to committees and officials.

Flowing from the findings and recommendations of the various commissions of enquiry, the facts which emanated from the history of committee systems in Somerset West, the outcome of the empirical analysis and taking cognisance of the principles identified for an efficient committee system as well as the present situation in Somerset West, a committee system and structure is recommended for Somerset West in Chapter 7, which includes the abolition of certain committees, the composition and terms of reference of the proposed committees and the functions and powers of and delegations to such committees.

CHAPTER 2

LOCAL GOVERNMENT

1. INTRODUCTION

A history of how local government came about in the Cape and its development through to the establishment of the first municipalities in the region will be dealt with in the ensuing section of this chapter.

The functions of local authorities are diverse and are determined and influenced by such factors as size, location, population composition, tourism, agriculture and industry. Local authorities are required to carry out functions or services in terms of the relevant legislation.

It is important to note the position, responsibilities and functions of local authorities and to have an understanding of certain principles of general application and legal provisions pertaining to municipal councils, its committees, councillors and employees.

Of crucial importance is that the finances of a local authority are properly managed in order that it may execute its powers, functions and duties. Serious consequences can ensue if the legal and procedural requirements imposed by the relevant legislation are not strictly complied with.

2. WHAT IS LOCAL GOVERNMENT?

Jackson (1966: vii) states that local government is largely concerned with the administration of public services and that as new needs, methods and ideas emerge and develop, the system must inevitably be adjusted to meet the changing conditions and demands.

According to Redcliffe-Maud and Wood (1974 : 10) local government is a provider of services to a local community

and an instrument of democratic self-government, not a mere agent of the national state.

Local government is defined as that part of the government of a nation which deals mainly with matters which concern the inhabitants of a particular place and which, it is considered desirable, should be administered by local authorities subordinate to central government (Cloete, 1978 : 85). The foregoing definition gives the impression that the functions of local authorities are restricted to community matters. Local authorities have, however, over a long period assumed functions of a wider nature, such as town planning, the establishment and administration of townships and the alienation, letting or acquisition of immovable property. South Africa did not adopt the British pattern of local government services in its entirety in that the education and police functions fall within the national sphere.

The various legislative measures bearing on local government in South Africa may be regarded as positive limitations on local authority actions in that a local authority may give effect to the powers so entrusted and to no other without the possibility of having them declared *ultra vires*. Local authorities are subject to civil and criminal law but they are less circumscribed in their actions than individuals since they are often given special powers, such as, the expropriation of land for road widening purposes and slum clearance. These powers are essential if schemes which benefit the general public or community are to be carried out.

In terms of Section 2 of the *Municipal Ordinance, 1974*, of the Cape Province a local authority is required to undertake or have undertaken on its behalf the collection, conveyance, treatment or disposal of sewage or stormwater and the supply of electricity, gas or water.

The execution of certain functions requires the approval of the Administrator or relevant Minister, whilst the controlling authority has the power of compulsion in respect of certain functions which the local authority fails to carry out either entirely or satisfactorily.

Local authorities in South Africa are empowered to provide the following groups of services to the community (Cloete, 1978 : 86-87):

- (i) Protective services which comprise traffic control, fire brigade, civil defence, law enforcement/constabulary.
- (ii) Welfare services which embrace the services intended for the mental and physical well-being of the community, for example, libraries, lecture rooms, theatres, gardens, clinics or daycare centres.
- (iii) Environmental services probably are the most fundamental of local authority services in that they are by and large disease-preventive. Examples of these services are refuse removal, sewage disposal and treatment, destruction of vermin. A related health function or service is the inspection and supervision of foodstuffs, boarding houses, cafes and restaurants. When a pure water supply is not ensured to the community, the Administrator may intervene and compel a local authority to construct a suitable scheme. The **Slums Act**, 1979 (Act 76 of 1979), empowers local authorities to declare any building found to be in a state injurious or dangerous to public health by reason of overcrowding, the presence of vermin or structurally defective, a slum. In terms of Section 20 of the **Public Health Act**, 1977 (Act 63

of 1977), as amended every local authority must maintain its area in a hygienic and clean condition, prevent the occurrence of any nuisance, unhygienic condition, offensive condition or any condition which will or could be harmful to the health of any person, prevent the pollution intended for use by its inhabitants and to render in its area services such as the prevention of communicable diseases, the promotion of the health of persons and the rehabilitation in the community of persons cured of any medical condition. Associated with housing is the inspection of building plans with the view to ensure a minimum of air and light and proper conveniences for the occupants of each dwelling.

- (iv) Services which contribute to the daily convenience and comfort of the community, such as the provision of transport, roads, ablution facilities, parks and recreation, nature reserves and swimming baths.

Local government is therefore indirectly an instrument or mechanism which promotes and fosters prosperity amongst the communities.

3. LOCAL GOVERNMENT IN THE CAPE PROVINCE

In this section the history of local government will be addressed and the functions and finances of local authorities in the Cape Province, will be discussed.

3.1 Historical Background

When the settlement that had been founded at the Cape in 1652 by Jan van Riebeeck on behalf of the Dutch East India Company spread well beyond Stellenbosch, it became impossible for the government in Cape Town to keep in close contact with the burghers. Hence in 1682 a local area

comprising the village and district of Stellenbosch was established and a form of local government was introduced into the Cape when a college of four heemraden was appointed. Only free burghers could be appointed as heemraden (Floyd, undated : 97).

In 1685 a landdrost and other heemraden were appointed for the Stellenbosch district. The landdrost was the district or local representative of the central government and the heemraden were councillors chosen from the local population to represent local opinion on the college. The heemraden were not paid for their services and were fined for not attending meetings. The governor would make appointments from a list comprising double the number of names as there were vacancies. The heemraden generally represented the views of the local burghers and always sided with them when in conflict with the central government, even though they were not elected by popular vote. The landdrost was the chairperson of the college and was a paid government official who was given a free house, known as the drostdy as well as the use of the land around it at the expense of the local area. This was an old system of local government in Holland which was modified by the experience gained in Batavia and adapted to suit the conditions at the Cape.

Floyd (undated : 98) states that one of the main functions of the college was that of a lower court, which is similar to our present magistrates' court. The activities of local government were obviously not as diverse or complicated as at present, but for what they were at that stage the whole range was covered by the college. Some of the functions were street cleaning, construction and maintenance of roads, water leadings, public buildings, control of slaughter poles, bakeries and butchers. Revenue was primarily derived from taxation on livestock and movable property such as corn and wine as well as from fines.

This landdrost and heemraden system was extended to Swellendam and Graaff Reinet in 1745 and 1785 respectively. By 1795 the Cape comprised four districts, namely the Cape, Stellenbosch, Swellendam and Graaff Reinet, stretching from Table Bay to the Olifants and Great Fish Rivers (Green, 1957 : 4).

Whilst under British occupation, the burgher senate system was introduced in the Cape in 1796. The members of this senate were appointed by the government and the chairperson was selected by the members. The main functions of the burgher senate were to maintain law and order, street cleaning, to prevent nuisances and to regulate the bread price.

When the British re-occupied the Cape in 1806, the ideas of anglicising the system soon became apparent and in 1827 the burgher senate was abolished. During 1828 all the colleges of landdrost and heemraden were also abolished after being in place for some 140 years (Floyd, undated : 100).

Commissioners and magistrates were appointed by the governor to carry out the functions of the colleges of landdrost and heemraden. The Cape was divided into two provinces. The governor appointed a commissioner-general with a commissioner for each of the two provinces serving under him.

The post of commissioner-general was abolished in 1834 and in 1836 a municipal ordinance was passed which was based on the English Municipal Corporations Act of 1835. According to Floyd (undated : 101) Municipal Ordinance 9 of 1836 set up local government for towns, but left the districts or rural areas unprovided for. Beaufort West was the first municipality to be established under the Ordinance in 1837 and was governed by a board of commissioners elected by the population for a period of three years. Rates were levied annually by a public assembly.

The Municipality of Cape Town was established in terms of Municipal Ordinance 1 of 1840 and was governed by a board of twelve commissioners and ninety-six ward masters (Green, 1957 : 22 - 23). A committee system was brought into being and some committees comprised commissioners and ward masters whilst others comprised commissioners only. District school commissioners were appointed to control schools, road boards were established to deal with roads and bridges in rural areas and courts were founded to regulate pounds and trespassers. These three bodies were replaced by divisional councils for which purpose legislation was passed in 1853 (Floyd, undated : 101).

The Municipal Act of 1882 (Cape) abolished the commissioner/wardmaster system for Cape towns and introduced the elected council, the mayor appointed by the council, the committee system and the appointment of a clerk and other officers (Craythorne, 1990 : 3).

3.2 Functions

Certain principles of general application and legal provisions should be noted regarding municipal councils, committees, councillors and employees in the Cape Province in order to obtain a clearer understanding of the functioning of local authorities.

3.2.1 Municipal Councils

The inhabitants of every municipal area are a body corporate with perpetual succession. Such municipalities are governed and represented by councils constituted in terms of Section 4 of the Municipal Ordinance, 1974, and all acts of any such council are deemed to be acts of the municipality. Three principles should be noted in this regard.

- Firstly (Craythorne, 1990 : 8), a municipal corporation is a form of *universitas*, that is an aggregate of natural persons forming as a group a new subject of

rights and duties, separate and distinct from the rights and duties of the individual persons who constitute the group. It is thus a legal fiction by which the law has created a new entity out of a group of natural persons and has endowed it with a distinct juristic personality, capable of functioning in various respects as a natural person.

- Secondly, Section 4 of the **Municipal Ordinance, 1974**, provides for the governance of the body corporate by means of a council. A municipality is not merely a corporation like a company, it is a phase of government. Although the council by statute is made the agent of the body corporate, the council itself is not a body corporate; it consists of a number of members whose acts are determined by the majority, and when they act collectively by resolution properly taken then they act as agents for the body corporate, the municipality. They are statutory agents elected by the "corporators" to perform a mandate for the corporation, the terms of which are prescribed by law.
- Thirdly, municipalities are exclusively the creatures of statute and possess no rights and powers except such as are either expressly or by necessary implication conferred upon them by a competent legislative authority (Craythorne, 1990 : 9 - 10).

Councils are required by law to compile a voters' roll for purposes of electing councillors containing the names of persons entitled to be enrolled as voters of the municipality. The roll is conclusive in the sense that no person, though qualified to be enrolled, who is not enrolled, may vote. The onus of securing enrolment as a voter rests on the person claiming to be or to remain so enrolled. The voters' roll, as amended and finally adopted by the revision court, shall be the voters' roll for the municipality until a new roll has been lawfully made and adopted.

In terms of Section 51 of the **Municipal Ordinance, 1974**, the council of every municipality must hold an ordinary meeting for the transaction of business not less than once every month on such day and at such hour as the council from time to time appoints; provided that a council may for sufficient reasons recorded in the minutes, decide not to hold a meeting in any month. Section 48 of the **Municipal Ordinance, 1974**, provides that at the first meeting of the council after a general election is held, the councillors present must elect one councillor to be mayor and thereafter one councillor to be deputy mayor, each of whom serve until the election of their respective successors in office, which is an annual event.

3.2.2 Committees

The council cannot usually transact all its business in a meeting of the full council and it therefore may appoint committees and entrust such committees with certain of its functions which may legally be delegated. In terms of Section 50 of the **Municipal Ordinance, 1974**, the council may appoint from among its members occasional and standing committees of not fewer than three councillors each.

Except where otherwise provided all questions before a meeting of the council or a committee must be decided by ordinary resolution, i.e. a decision carried by a majority of the votes cast by the councillors present and voting or, in the event of an equality of votes, the chairperson has a casting vote in addition to his/her deliberative vote.

Section 55 of the **Municipal Ordinance, 1974**, provides that the council must cause minutes to be made of all proceedings of the council and its committees. Generally any councillor, ratepayer or voter may at all reasonable times without payment of any fee inspect and take a copy of or extract from a minute book with the exception of confidential minutes.

3.2.3 Duties and Functions of the Mayor

The duties and functions of the mayor in the Cape Province are as follows (Craythorne, 1990 : 150 - 151):

- he/she is the chairperson of the council;
- he/she may convene a special meeting of the council and must do so if requested in writing by at least one third of the total number of councillors;
- the mayor, either on his/her own or together with the town clerk signs the minutes of council meetings;
- the mayor may summon a public meeting if he/she deems fit to do so or if requested by at least 25 enrolled voters to discuss any matter affecting the interests of the municipality and is required to convene such a meeting if the council so decides or if the Administrator so directs;
- he/she may, if authorised by resolution of the council, sign contracts;
- the auditor must report gross irregularities to the mayor;
- he/she may suspend from duty any employee reasonably suspected of such misconduct as may justify dismissal, and
- the mayor is a member and chairperson of the voters' roll revision court.

The role of the deputy mayor is to act as mayor when the mayor for some reason is unable to act, and he/she may also, at the request of the mayor share in the work of attending social or civic functions.

3.2.4 Councillors

In addition to the statutory right of a councillor to inspect any minute book, he/she may inspect any document referred to in such minutes, whether or not such document was produced at any meeting to which the minutes relate. This right can only be exercised by a councillor if it is reasonably necessary for him/her to do so to adequately discharge a mandate which he/she is as such entrusted by the electorate. A councillor is not, in the exercise of the common law or implied right, entitled to examine books or documents of a corporation because he/she is a councillor. Mere curiosity or desire to see and inspect documents is not sufficient (Dönges & Van Winsen, 1953 : 124).

Councillors individually possess no inherent powers at all. The council is also not empowered to delegate any of its powers, duties or functions to an individual councillor.

Section 54 of the **Municipal Ordinance, 1974**, provides that no resolution of the council may be rescinded or altered unless notice of intention to move such rescission or alteration has been given in the manner provided by the rules of order of such council and other legal directives. Furthermore no resolution of the council may conflict with or alter any earlier decision taken within a period of six months immediately preceding the taking of such a resolution, unless such earlier resolution is first rescinded.

3.2.5 Employees

In terms of the provisions of Section 60 of the **Municipal Ordinance, 1974**, every council must appoint a town clerk, a treasurer and such other employees as may be necessary. Every council must designate the person appointed as town clerk as the chief executive and administrative officer of the municipality.

The town clerk or a departmental head may, in the execution of his/her powers or the performance of his/her duties and functions, including any power, duty or function delegated to him/her by the council, act through any employee under his control.

Section 62 of the **Municipal Ordinance, 1974**, makes provision for the disqualification from appointment of any candidate for a position in the service of a council who:

- directly or indirectly approaches or solicits any councillor with a view to securing his/her vote or support in favour of his/her candidature;
- offers to perform the duties attached to the post for less than the emoluments and allowances determined by the council; or
- has been summarily dismissed from its service in terms of Section 70(1) or (2), i.e. the corrupt acceptance of gifts, pecuniary interest and involvement in any business or profession for remuneration without the consent of the council whilst employed in a full-time capacity.

The **Municipal Ordinance, 1974**, makes provision for the council to indemnify any employee arising out of any act done or omitted by him/her in the execution of his/her powers or performance of his/her duties and functions whenever a claim is made or legal proceedings are instituted against an employee.

Employees are protected in that when municipalities are combined all employees of the combining municipalities, other than those whose wages are calculated on an hourly or weekly basis or who have had less than one year's service with any such municipality, become employees of the combined municipality and the council thereof will determine their

emoluments, allowances and duties. The services of all employees of the combining municipalities who do not become employees of the combined municipality are terminated with effect from the date specified in the proclamation, such date to be not less than three months after the date of publication of the proclamation pertaining to the combined municipality.

A council may terminate the services of an employee upon notice of not less than three months unless otherwise provided in his/her conditions of appointment or service.

In terms of Section 67 of the **Municipal Ordinance, 1974**, no council may terminate the services of its town clerk, whether upon or without notice, except with the approval of the Administrator. The **Remuneration of Town Clerks Act, 1984** (Act 115 of 1984), as amended determines the remuneration and certain other service benefits of town clerks and regulates the maximum limits of remuneration and other service benefits of other employees of local authorities.

3.3 Finances

A local authority must have adequate sources of revenue to perform its multifarious powers, functions and duties satisfactorily. The legislature has accordingly provided that a local authority may levy rates and taxes, raise loans and incur expenditure. Two principles of general application should be noted in this regard. Firstly, the source of a municipality's rights in this regard is legislation and consequently the council may only do what it is authorised by statute to do. Secondly, if a municipality wishes to utilise such authority, it must do so according to certain procedural requirements and the conditions imposed by the relevant legislation or by the Administrator.

Local taxation and financial administration is an involved and extensive subject both from a legal and a financial point of view. In terms of the **Municipal Ordinance, 1974**, unless stated otherwise, the main principles and legal provisions pertaining to financial matters may be summarised as follows:

- (i) The administrative legal requirements stipulated are aimed at efficient and controlled financial housekeeping.
- (ii) Rates and taxes are levied by the municipality on prescribed immovable property within the municipal area. Rates determined by the municipality must be assessed on the valuation of each rateable property.
- (iii) For the purpose of assessing rates, the council must in terms of Section 39 of the **Valuation Ordinance, 1944** (Ordinance 26 of 1944), at least once every ten years cause a general valuation to be made of all immovable property. Section 40 of the **Valuation Ordinance, 1944**, provides that interim valuations must be carried out at least once a year to make adjustments to the general valuation by reason of factors which have arisen subsequent to the general valuation. The object of a valuation is to ascertain the land, buildings and beneficial improvements at the date of assessment. The result of a valuation is reflected in a comprehensive document known as the valuation roll upon which the municipality ultimately bases the assessment of its rates.
- (iv) The **Valuation Ordinance, 1944**, provides for protection against overvaluation of the ratepayer's property. A valuation court is established for the purpose of deciding any objections that might be raised by

ratepayers. After the valuation court has considered and amended the valuation roll, it is submitted to the Director of Valuations and comes into operation on a date determined by him/her. The Director of Valuations is appointed by the Administrator from time to time who is charged to administer the **Valuation Ordinance, 1944**. In terms of Section 64 of the **Valuation Ordinance, 1944**, the decision of the Valuation Court and of the Director of Valuations is subject to appeal to the Supreme Court on points of law. An appeal may be brought by the owner of the property concerned, the local authority in which area the property is situated or in the case of a valuation court's decision, by the Director of Valuations.

(v) Every local authority must annually at a special meeting adopt estimates of:

- probable income and expenditure on the revenue account for the ensuing financial year (first day of July up to and including the thirtieth day of June in the following year) and make and levy rates to balance such estimates, and
- all capital expenditure to be incurred by the council during such financial year, indicating therein the funds from which such capital expenditure is to be met.

Both the Revenue and Capital Estimates must be approved by the Department of Finance before becoming operational.

(vi) Charges, fees and tariffs may be fixed by special resolution of a council in connection with any amenity, facility, service or undertaking established, provided or rendered by it where no

such charges, fees or tariffs have been fixed in a by-law. The income from this source accrues to the council's revenue fund.

- (vii) The income derived from the abovementioned sources of revenue is inadequate for the satisfactory performance of the council's powers, functions and duties. Section 98 of the **Municipal Ordinance, 1974**, consequently empowers local authorities to raise loans by special resolution in any manner, including the issue of stock, debentures and bills for certain prescribed purposes and subject to conditions imposed by the Administrator. Two principles should be noted in this regard. A municipality cannot borrow a sum in excess of one-sixth of the valuation of rateable property within its area of jurisdiction. Secondly, certain loans may be raised without compliance with some or all of the prescribed formalities, for example, for its temporary financial accommodation a council may obtain an advance from its bank by way of an overdraft on its current account.
- (viii) A local authority generally may incur expenditure necessary for the carrying out of the functions/services authorised by legislation. It may, with the approval of the Administrator, incur expenditure in connection with all matters which the council may consider to be in the interest of the municipality. A council may in exceptional circumstances by special resolution exceed the expenditure on the budget up to an amount not exceeding three percent. The Administrator's approval is required to exceed the estimates of capital expenditure.

- (ix) All moneys of the council are usually not immediately required for the defrayment of expenditure. All councils, with the exception of those who have or were required to establish a Consolidated Capital Development and Loans Fund must establish a Revolving Fund in accordance with statutory directives. The object of the Consolidated Capital Development and Loans Fund is to concentrate all loans raised and the above-mentioned moneys in one central fund so as to facilitate the control and management thereof, the payment of interest on loans and the investment of funds. Special funds may be established, for example reserve and renewal funds, with the approval of the Administrator for a purpose specified by him.
- (x) The council must keep proper books of accounts to generally maintain a detailed record of assets and liabilities and financial transactions of the council. A clear distinction must be made between the capital and the operating budget. The accounts of every local authority must be audited. The audit of accounts is governed by the **Audit Ordinance, 1938** (Ordinance 17 of 1938), and is carried out by the Auditor-General through his staff, the cost of which must be borne by the municipality.

4.

SUMMARY

A form of local government was founded in the Cape in the late sixteenth century when it became impossible for the Dutch authorities in Cape Town to maintain close links with its citizens who were allocated land in the outlying areas. The system of local government which was introduced comprised an appointed official, known as the landdrost who was the chairperson of the college and of elected officials known as heemraden.

Local government is primarily concerned with the administration and provision of services to the community, which system has to be reviewed from time to time due to changing circumstances and the demands or needs of the community. The functions which a municipal council is required to undertake or have undertaken on its behalf is the treatment and disposal of sewage or stormwater and the supply of electricity, gas and water within its area or jurisdiction. Other services which are provided by municipalities are, for example, traffic control, fire brigade, library and refuse removal.

A municipality comprises of the following components or elements, namely a council, councillors, committees (due to the fact that a council usually cannot dispose of all its business at a full council meeting), a town clerk, treasurer and other employees. The offices of town clerk and treasurer may be held by one person.

A municipality must have sufficient sources of revenue to carry out its powers, functions and duties effectively for which purpose legislature has made provision for a municipality to levy rates and taxes, raise loans and incur expenditure.

The majority of municipalities in South Africa function by making use of one or another committee system. In certain provinces a particular committee system is enforced through legislation whilst in other provinces the appointment of committees is left to the discretion of the councils. This aspect will be addressed in the next chapter.

CHAPTER 3

COMMITTEES

1. INTRODUCTION

In the early stages of local government, councils could, due to the limited demands placed on them, cope adequately with their liabilities and obligations. However, through urbanisation and industrialisation especially in the cities, it became virtually impossible for city and town councils to effectively perform their functions and duties. The solution to this problem was sought in the appointment of committees and the delegation of powers to these committees and principal officers.

Due to the diversity of public functions as well as the increased demands and changing needs of the public, the councils have to continuously formulate new policies or revise existing policies. Similarly the councils should also review their committees at regular intervals to meet the demands of changing circumstances.

The appointment or establishment of committees has increased the number of meetings taking place, which if not properly and purposefully structured can result in committees becoming ineffective.

Flowing from the foregoing municipal councils have adopted various committee systems, such as the multiple, management and portfolio systems, aspects of which are addressed in this chapter.

2. WHAT IS A COMMITTEE?

Anstey (1962 : 16) defines a committee as a group of people appointed by some other, generally larger body to meet to discuss matters within some field of reference with a view to making group decisions or recommendations to the parent body.

Pertaining to the foregoing definition Anstey (1962 : 16) states that:

- the committee has a definite composition;
- it is established by, and is in some way ultimately responsible to a parent body;
- the ultimate purpose is to take group decisions, which may either be final decisions or mere recommendations, and
- the formulation of decisions is preceded by a discussion and exchange of views sufficient to ensure that a decision is a decision of the entire group or, in certain instances the majority of the committee or group.

Schultz (1978 : 6) defines a committee as being a gathering of people representing different functions or spheres of knowledge, coming together to promote a common purpose, or to fulfil a common task, by the interchange of views.

Wheare (1955 : 5 - 6) describes a committee as a body to which a task has been referred or committed by some other person or body with the notion that a committee carries with it the idea of being in some manner responsible, subordinate or answerable in the last resort to the body who formed it or committed a power or duty to it.

Implicit in the concept of a committee is the doctrine of collective responsibility. By this is meant that after there has been full and free discussion of a matter, a group decision is taken which is regarded as a shared decision to be accepted loyally by all the members of the group. Each member should then be prepared to support the group decision and any action arising from it against possible attack from outside the group (Anstey, 1962 : 14).

Committees are an indispensable part of a democratic way of life. Their use can, however, be abused or they can be miserably inefficient. Anstey (1962 : 91 - 92) states that for a committee to do its job well and serve a useful purpose, the circumstances of its constitution must be appropriate and the committee must be technically competent.

By appropriate circumstances is meant that:

- the committee must be given clear terms of reference defining the matters which are within its sphere of competence to consider, with the view to making agreed recommendations or decisions;
- sufficient information has been obtained on these matters in order for an informed discussion to take place, and
- there is sufficient time to enable adequate discussion by the committee before decisions have been reached.

By technical competence is meant that:

- the committee is clear as to its purpose and powers, and consists of people who are suitable to its terms of reference;
- whilst being able to consider all the relevant points of view, it is small enough to make informal discussion possible;
- the chairperson is determined to make the committee a success and is the right person to achieve this;
- the other members should preferably have achieved some competence at committee work, either through training or by experience, and

- the committee is serviced by an efficient secretary.

Anstey (1962 : 92) concludes that, if the foregoing conditions are fulfilled, a committee should be successful in the following ways:

- matters on the agenda are disposed of promptly and will not be raised again;
- there is general satisfaction among the members that the best decisions have been taken in the circumstances, and
- the members find the meeting interesting and enjoyable, and each member is of the opinion that he/she is making a positive contribution by his/her presence.

3. THE MEETING PROCESS

This section deals with the purpose and the various categories of meetings, the norms for meetings, agendas and minutes of meetings as well as the role of the chairperson.

3.1 Purpose of Meetings

The purpose of most meetings is to get something done and not merely to discuss matters in a weakly structured fashion whilst hoping that sufficient worthwhile results will materialise in due course. Why is it that even when all the "right" people are present, when major issues are discussed, when discussions are stimulating, the success rate is often disappointing? According to the Secretariat of the Economic Community of Southern Africa (SECOSAF) (1989 : 83) these questions are equally applicable to the private and public sectors. Arranging a meeting would sometimes appear to be a response to not addressing an issue in an appropriate manner. The first questions should always be: What do you want to achieve? Is a formal meeting the correct vehicle for achieving the goal? Is a meeting really necessary?

If the answer to the last question is positive, every effort should then be made to ensure that maximum results are obtained. SECOSAF (1989 : 83) is of the view that a meeting is a part of a cycle consisting of three phases, namely the preparation phase, the meeting itself and the implementation phase. High meeting productivity or a high rate of results can only be expected if a concerted effort is made to make each of these phases highly productive.

3.2 Categories of Meetings

SECOSAF (1989 : 84 - 85) states that there are basically four broad categories of meetings:

- the habitual get-together which serves to keep communication channels open but which, apart from the social factor, serves little purpose;
- information meetings which give the convenor and participants the opportunity to exchange information about the activities in which they are involved or which they will embark upon that day;
- assemblies which provide an opportunity for a larger and usually higher placed group to review matters in broad terms and to authorise or reject proposals drafted by smaller or subordinate groups, and
- task-orientated meetings which have the characteristic of having clearly defined objectives, in which problems are brought to the fore, facts are put on the table, options are generated through a high rate of objective-orientated participation, clear decisions are made, firm action plans formulated and the meeting actually achieves something worthwhile.

The categories of meetings and their purpose can be illustrated as follows:

FIGURE 1

CATEGORIES OF MEETINGS

CATEGORY OF MEETING	FOCUS/PURPOSE
Habitual	Social get-together
Information	Exchange of ideas
Assembly	Review issues
Task-orientated	Firm action/decision-making

The last category of meeting, namely the task-orientated meeting is the type which is addressed in this thesis.

3.3 Meeting Norms

According to SECOSAF (1989 : 85) fruitful or good discussions do not equate with a task-orientated meeting even if the chairperson and some of the participants may be pleased with the results. Being efficient does not necessarily imply effectiveness. Often participants attach value to the wrong components. A high premium may be placed on the fact that the rules of procedure have been adhered to, everyone addressed each other through the chair, there was a high rate of discussion, each participant was afforded the opportunity to speak and so on. It is only afterwards when the same matters appear on the agenda and the same questions are asked, it becomes apparent that the pace of progress is unsatisfactory and the participants become impatient.

There are two basic components essential to all meetings namely, procedural and substantive policy issues. Equally important is that the commitment and the participation of

the committee or group is obtained before a meeting commences.

3.4 Agenda Setting

An agenda is an essential component of a task-orientated meeting. The main purpose of an agenda is to enable participants to prepare themselves for a meeting and to provide guidance. The following components should be included in each agenda item (SECOSAF, 1989 : 87):

- a clear specific objective which the committee wishes to achieve;
- a brief paragraph or two must provide the background information and state the objective, and
- the course of action which is expected from the committee.

3.5 Role of Chairperson

Organisations characterised by a hierarchical structure conduct their meetings primarily in a conventional style, i.e. in accordance with the rules of procedure. According to SECOSAF (1989 : 88) the chairperson has the most authority and he/she is accustomed to using his/her decision-making powers in a fairly autocratic manner. He/she usually controls the meeting procedure, talks more than anyone else and often makes all the final decisions. Chairpersons rarely realise that they have a difficult dual role to perform in that they have to control the content of deliberations and simultaneously have to control the process.

SECOSAF (1989 : 88) has observed that the working agenda, as outlined above, gave the chairpersons a better opportunity to conduct an effective meeting. The working agenda further

assists chairpersons not to dominate proceedings. In order to encourage active participation, chairpersons should ensure that they do not act evaluatively when contributions are offered. The chairperson should not let the speaker or the meeting know whether he/she favours or rejects a proposal. His/her task is to elicit comment and constructive dissent.

SECOSAF (1989 : 89) has found that the chairperson should be the last participant to express an opinion. When sufficient views have been expressed, the chairperson should lead the meeting to decision-making, select the "best" proposal and provide clarity to all the members exactly on what was decided. In SECOSAF's experience the chairperson who follows a participative style and spends more time during a meeting in ensuring that deliberation, commitment and support are obtained, has a greater success rate.

3.6 Importance of Minutes

It is essential that proper minutes of the proceedings of meetings are kept. Minutes ensure an accurate record for future reference, effective follow-up as they provide a ready reference of action plans and the members' implementation obligations. Minutes should be written in short paragraphs, and short words and clear sentences should be used (SECOSAF, 1989 : 89 - 90).

Resumés of the proceedings or "action minutes" is an excellent tool whereby the salient points and decisions of a meeting can efficiently be distributed among the interested parties. A back-up facility such as a tape recorder should always be used at formal or task-orientated meetings in the event of further detail being requested, or queries from the participants.

4. COMMITTEES IN LOCAL GOVERNMENT

In this section the rationale for committees, the concept of delegation which is central in the functioning of committees, functional specialisation in committees, types of committees and the different committee systems within the context of local government will be addressed.

4.1 Rationale for Committees

Due to the multi-functional nature of local authorities it is difficult for a council to exercise continuous and effective control over all facets of municipal administration and consequently one or other system has to be introduced in order to spread out or divide this responsibility amongst the members of the council. In the United Kingdom and South Africa responsibility is divided by way of establishing one or other type of committee system. The basic principle of this system is that the members of the council are divided into a number of committees each of which is responsible for the administration and control of an aspect/s of the work of the municipality. Such committees have to report their activities to the council and the eventual control over public policy related matters rests with the council.

Apart from reducing the workload of the council for which it is responsible, the committee system encourages specialisation with respect to the functions of a local authority. For example, a councillor who has served on a particular committee for a long period can become an expert in the sphere of work of that committee.

Wheare (1955 : 164) states that local authorities in Britain are administrative bodies and that almost all their functions are concerned with carrying into effect services which the central government has decided shall be provided. He adds that local authorities carry out these duties by the use of committees and that it is the rule rather than the exception in Britain for administrative functions in local government to be made the responsibility of plural rather than unitary institutions. Local administration in Britain is therefore administration by committees.

Ripley (1970 : 22) states that local government services in England are administered by committees and that the concept is defended on various grounds, for example, it ensures wide participation by the councillors in the work of the authority and gives them the opportunity to acquire some understanding of the services for which they are responsible.

According to Wheare (1955 : 169 - 172) the following advantages should accrue from administration by committees, viz.:

- two heads are better or wiser than one and that in a multitude of councillors there is wisdom;
- it ensures that the interests of a wider spectrum of people are taken into account or represented;
- the system widens the responsibility and authorises a number of people to make it their business to see to it that what is done is well done, namely many hands make light work;

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- it is usually better for power to be shared with others as it is the tendency of individuals to abuse power;
- the system ensures that a number of people obtain some administrative experience and others education in politics, and
- it does good not only to committee members but also to officials, i.e. the bureaucratic sense (officials) must justify itself before questioning the common sense (committee membe..

However, Wheare (1955: 192 - 196) confesses that the question of responsibility is no doubt one of the weaknesses of administration by committees. Officials and individual committee members or councillors use committees as a shield. There is also the tendency of almost all committees to appoint sub-committees which in affect means that in many cases committees are but screens behind which sub-committees carry out their work.

4.2 The Concept of Delegation

According to Wiechers (1979 : 18) delegation is a word of many meanings and can be viewed as the division of work or the spreading of authority or power. He adds that the elements of the authorities are the numerous political functionaries and each one must know exactly which part of the enforceable state authority he/she may execute.

Meyer (1978 : 105) states that although delegation is not easy to define, it could be interpreted as an instruction to do some act involving a change of parties. He adds that

from an administrative legal point of view "to delegate is to entrust to another the execution of some power or duty vested in oneself; as such, delegation implies in its very essence the transfer to another of more than a mere executory power; a discretion is also transferred" (Garner as quoted in Meyer : 1978 : 105).

Public institutions obtain their power from parliament which, as the highest policy maker and allocator of functions cannot undertake all the executive activities. Parliament therefore allocates power to the subordinate legislative institutions, such as town councils which delegation is referred to as the devolution of power.

Wiechers (1979 : 18) states that it is at the administrative level where delegation obtains stature. At this level delegation becomes unavoidable as the head cannot do everything and has to give his/her subordinates the power to act with authority.

Ripley (1970 : 28 - 29) states that the objects of delegation are to increase the dispatch of business and to create a hierarchy of values by delegating less important matters and retaining control over the most vital to the full council. He further states that any powers reserved to the council should be of sufficient significance to justify the delay involved for the public in that committee decisions cannot be implemented until the next council meeting.

The fundamental rule in administrative law is *delegare delegatus non potest*, which means that a person to whom power is delegated cannot delegate the power to someone else. This principle or rule applies to local government in that the power delegated by the council to a committee

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cannot in turn be delegated by the committee to a subcommittee or to an official.

Craythorne (1990 : 438) states that the delegator is the person or body appointed to perform certain duties, fulfil certain functions or exercise certain powers and who wishes to commit some or all of these powers, duties or functions to another person, body or committee.

According to Meyer (1978 : 106 - 117) the general characteristics and legal implications of delegation are:

- the delegator vests the delegatee with power/s to act in his/ her stead, i.e. the delegatee acts instead of the delegator;
- the delegatee is vested with administrative or legislative power and makes an independent decision;
- the delegator parts with power but is not denuded of power, which implies that the delegator retains concurrent power;
- delegation cannot be used as a device to escape responsibilities or duties imposed by the legislature on the delegator personally, i.e. the delegator cannot escape his/her responsibilities imposed upon him/her by the legislature by delegating it to another person;
- in certain circumstances the decision of the delegatee also binds the delegator and renders him/her *functus officio* (to perform); if the delegatee exercises a quasi-judicial power both he/she and the delegator is *functus officio* after the decision has been given;

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- the delegator retains control at a certain stage, i.e. the delegator cannot delegate to the delegatee wide and uncontrolled power but must exercise control over the delegatee without fettering the discretion of the delegatee, and
- as a general rule the delegator incurs no liability for actions of the delegatee in the exercise of the delegated power and in law the acts of the delegatee are regarded as being his/her own; the circumstances of each particular case will however determine the liability, if any, of the delegator for actions of the delegatee in the performance of delegated power.

In local government the delegatee is usually some or other committee of the council or a principal officer such as the town clerk or head of department. As regards the delegatee there are areas of authority confused with delegation. Meyer (1978 : 118 - 119) identifies these areas of confusion as being:

- (i) **The master/servant relationship.** The delegatee may not of necessity be an employee or servant of the delegator, but is often a junior official who is subject to the control of the delegator or senior official. The junior official does not exercise any independent discretion or power or take decisions in accordance with his/her own independent judgement, but merely does what he/she is told to do.
- (ii) **Mandate.** This is an instruction given by a public body to a subordinate both to carry out in the name of the first body and under its supervision and responsibility specific conferred functions or powers. For example a master (council) may instruct

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the servant (town clerk) to take certain decisions subject to its final approval at a later stage. This differs from delegation in that the delegatee acts instead of the delegator.

According to Wiechers (1979 : 19) the object of delegation is to decentralise or deconcentrate power. Councillors must, as the representatives of voters, accept the final responsibility for all the actions in the name of the council. However, city or town councils cannot meet continuously as the members have other business to attend to. To overcome this problem and to enable the administration of the town to continue, one or more committees are appointed by the council and powers delegated to the committee/s, the town clerk and other senior officials.

Should a municipal council have any reservations concerning the manner in which the committees or officials are executing the functions delegated to them, the council may at any stage withdraw the delegated powers. Section 58 of the **Municipal Ordinance, 1974**, of the Cape Province furthermore provides that any person who feels aggrieved by a decision of an employee under delegation by the council, may appeal to the council against such decision by giving notice in writing thereof and of his/her grounds of appeal to the town clerk.

It should be noted that in terms of Section 50 of the **Municipal Ordinance, 1974**, a council may not delegate the following powers to its committees:

- the adoption and confirmation of the annual estimates of income and expenditure;

- the levying of rates on immovable property, and
- the appointment, dismissal or alteration of the conditions of service of the town clerk and heads of department.

4.3 Functional Specialisation in Committees

Due to the fact that local authorities are multi-functional they make use of line and staff committees, i.e. horizontal and vertical committees.

Horizontal committees deal with matters which affect each department or service, for example, finance and personnel. Such committees ensure the uniform organisation of these matters in all departments. On the other hand the system may create confusion and complicate the co-ordination of committee meetings, for example, an electricity department may be controlled by a number of horizontal committees, but no such committee has a direct interest in the said department.

Vertical committees are based on the departmental division of functions. One therefore comes across committees dealing with, or overseeing functions such as those residing within specific departments, for example, fire, library, parks and recreation and traffic departments.

In local government where use is made of the Multiple Committee System the horizontal and vertical committees often complement each other.

Flowing from the foregoing it can be seen that horizontal and vertical committees by virtue of their naming deal with specific aspects or functions of local authorities, i.e. they have a terms of reference.

The size of committees varies considerably, usually depending on the nature and purpose of a particular committee. According to Anstey (1962 : 21) an advantage of a small committee is that each member has the opportunity to fully participate in the deliberations and to ensure that group decisions are taken to his/her satisfaction. On the other hand a committee with a relatively large membership represents a wider spectrum of interests and there is a greater exchange of information and views. Meetings of large committees are, however, difficult to arrange to suit all the members and tend to be excessively long. Attendance also appears to be irregular and there is also the tendency to appoint one or more sub-committees to deal with certain items.

Anstey does not specify what is meant by the terms "small" and "large". In terms of Section 50 of the **Municipal Ordinance, 1974**, a council may appoint committees of not fewer than three members each, the reason for this probably being that three is the smallest number whereby a decision can be taken by majority vote. The number of committees used varies from local authority to local authority. The commissions of enquiry which were appointed to examine the management and structure of local authorities in the various provinces in South Africa found that the councils appointed too many committees which brought about numerous problems. The question of small, large and number of committees will be dealt with in more detail in the chapters to follow.

4.4

Types of Committees

Committees are also grouped by the very nature of the power that they have been entrusted with. On this basis five types of committees can be distinguished, namely statutory-, standing-, special-, sub- and advisory committees.

These types of committees are universal in that they are found in central, provincial or regional, local government and in private and public corporations.

4.4.1 Statutory Committees

A statutory committee is a committee which is established in terms of the provisions of legislation. The **Local Government Ordinance, 1974** (Ordinance 25 of 1974), which is applicable in Natal requires local authorities in that province to establish a finance committee. The **Municipality of Cape Town Administration Ordinance, 1965** (Ordinance 24 of 1965), which is applicable to the municipality of Cape Town requires that an executive committee and four standing committees be appointed by the council, namely the amenities and health, housing, town planning and utilities and works committees.

4.4.2 Standing Committees

A standing committee can be regarded as a committee which controls one or more aspects of municipal government and administration. Such committees are usually fairly permanent institutions the members of which are normally nominated from year to year until such time as a reorganisation of the committee system becomes necessary.

4.4.3 Special or *Ad hoc* Committees

Special or *ad hoc* committees are nominated by the council to investigate and report on a specific aspect. Such committees are disbanded upon conclusion of their brief, investigation or task.

4.4.4 Sub-committees

Sub-committees may be appointed by a standing committee from time to time to examine and report back to the standing committee with recommendations on any subject matter. This method is used when it is clear that time can be saved and the aspect can initially be dealt with by some members of the standing committee in consultation with the relevant officials.

The purpose for the establishment of sub-committees by standing committees is similar to that for the nomination of standing committees by the council in that the council forms standing committees to facilitate the initial consideration of items by a smaller body (Speed, undated : 26).

There is, however, one important rule which must be observed when appointing sub-committees and that is that power may not be delegated to them. As Jackson (1965 : 75) puts it: "The general power of a council to delegate to committees does not permit further delegation by a committee to a sub-committee" (also see sub-section 4.2 of this chapter).

4.4.5 Advisory Committees

Persons with specialised knowledge of particular fields of work which has to be dealt with by the council together with members of the council serve on bodies known as advisory boards or committees.

These committees, constituted by the council, have no plenary powers but advise or make recommendations to a standing committee or the council. Advisory committees have merit as they usually attract experts in various fields and prominent members of the community who are interested in municipal affairs, but for some or other reason do not wish to seek election as councillors (Speed, undated : 26).

4.5 Committee Systems

In terms of Section 51 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960) and Section 66 of the Local Government Ordinance, 1962 (Ordinance 8 of 1962), as amended by the Local Government Further Amendment Ordinance, 1966 (Ordinance 16 of 1966) the Management Committee System is imposed on local authorities in the Transvaal and the Orange Free State respectively. In the Cape Province, with the exception of the Cape Town Municipality any committee system may be adopted by the councils, vide Section 50 of the Municipal Ordinance, 1974. In Natal the only requirement imposed by Section 87 of the Local Government Ordinance, 1974, in so far as committee systems are concerned is that the council must appoint itself as a finance committee or in lieu of so appointing itself, appoint a finance committee from amongst its members.

In the ensuing sub-sections the characteristics, advantages and disadvantages of the Multiple and Management Committee Systems will be dealt with. The features of the Portfolio System will also be addressed.

4.5.1 The Multiple Committee System

4.5.1.1 Characteristics

Craythorne (1990 : 156) states that the Multiple Committee System means a system whereby the councillors break up their work they have to do into functional units, known as committees or standing committees, and the system is often simply referred to as the "committee system". Examples of standing committees would be finance, works and planning, amenities and health and general purposes. These committees can either be of a vertical or horizontal nature (see sub-section 4.3 above).

The standing committees report or make recommendations direct to the council.

A further characteristic of the Multiple Committee System is that all the councillors serve on at least one committee.

In order to obtain a clearer perspective of the Multiple Committee System, the advantages and disadvantages of the system are appended hereunder.

4.5.1.2 Advantages

According to Cloete (1971 : 91 - 92) the advantages of the Multiple Committee System are:

- that it enables councillors to privately obtain the views of specialist officials and to question them for further information and explanation thereby speeding up proceedings;
- that it affords councillors the opportunity of making a contribution in the spheres in which they have a particular interest or knowledge;
- that due to there being a number of committees, each member is afforded the opportunity of feeling that he/she is making a contribution to the government and administration of the town, which prevents him/her from feeling frustrated;
- that because the system enables councillors to have close contact with their heads of department or senior officials, it affords them an opportunity to become an authority on the subject with their fellow members, and
- that due to the heads of department being able to request councillors to clarify the council's policy, it

enables them to direct the efforts of their departments at achieving policy goals.

4.5.1.3 Disadvantages

Cloete (1971 : 92 - 93) sums up the disadvantages of the Multiple Committee System as follows:

- the committees tend to deal with their field of activity in isolation;
- the councillors and officials of departments are brought into closer contact with each other through the committee meeting process which leads to the two parties interfering in each other's respective fields of activity;
- due to committees being burdened with a specific aspect of local government, the members of the committees become attached to the fields of activity of the committees;
- the committees which have been established on a vertical principle leads to the heads of department being directly linked with the committees, and
- the system is not easily understood by the councillors, officials and inhabitants of the municipality.

4.5.2 The Management Committee System

4.5.2.1 Characteristics

Management Committees in South Africa usually comprise three or five members, depending on the size of the council. In the Transvaal and the Orange Free State not all the councillors necessarily serve on a committee. In Cape Town

the Management Committee is known as the Executive Committee and comprises five councillors who serve as members.

The Management Committees have executive powers and are responsible for the major resources of the council, namely finance, staff and land. The functions of management committees in Cape Town, Orange Free State and Transvaal vary in terms of the provisions of the respective ordinances. This aspect will be addressed in the next chapter.

It has to be stressed that a Management Committee System may lead to a single committee system with the majority of councillors not serving on a committee. An example of this possibility is the Transvaal System - see the provisions of the Local Government (Administration and Elections) Ordinance, 1960.

In the Cape Town Municipality the standing committees report to the Council through the Executive Committee.

4.5.2.2 Advantages

Cloete (1971 : 103 - 104) summarises the advantages of the Management Committee System as follows:

- decisions are taken speedily due to there only being one committee to consider business;
- because councillors are not required to spend their time on attending a great number of meetings, they can carry out their functions better as formulators of policy and public representatives;
- the system enables the town clerk to function as chief executive and administrative officer resulting in better

co-ordination and thus preventing overlapping and fragmentation of activities;

- the system provides for accountability to be placed on specific individuals due to the small numbers involved, and
- due to the fact that the heads of department have the town clerk as a leader there exists a greater *esprit de corps* as well as a striving to work closely together to improve efficiency of the municipal administration.

4.5.2.3 Disadvantages

According to Cloete (1971 : 102 - 103) the disadvantages of the Management Committee System are as follows, namely:

- the non-members of the committee lose interest in municipal government and administration;
- council meetings tend to "rubber stamp" the recommendations of the committee;
- members of the management committee are inclined to become dictators;
- non-members of the committee allege that they have no meaningful role in decision-making, as matters are presented to the council in final form;
- the perception that council debates would encourage the public to take an interest in municipal affairs did not materialise;
- the term of office (five years as is the case in the Transvaal) of management committees is too long, and

- the system did not succeed in co-ordinating the activities of the various departments, particularly where the portfolio system was being applied.

4.5.3 The Portfolio System

The Portfolio System, which is also in operation at some local authorities involves appointing one councillor, with possibly an alternate to be the spokesperson for a particular activity or function of the council. The heads of department management team, under the chairmanship of the town clerk would consider all new policies and projects, after which the head of department concerned together with the relevant spokesperson and the alternate would meet and the official would fully brief the councillors and answer any questions on the proposal. At the council meetings the spokesperson would propose the policy or project, and because he/she has been fully briefed he/she is in the position to explain the proposal and answer any questions.

Craythorne (1990 : 165) states that the portfolio system is in effect the committee system using the whole council as a committee, and in towns up to a certain size it is probably the best compromise between a multiple and a management committee system. The system provides for all councillors to participate at council meetings in the approval of projects and the formulation of policy, with the added advantage that the principal officers may make an input during the debate.

The functions of the spokesperson or responsible councillor can be summarised as follows, namely:

- acquaint himself/herself as best possible with the work of the department to which he/she has been assigned;

- meet as regularly as possible with the head of department in order to act as liaison between the council and the officials;
- ensure as far as possible through these contact sessions with the head of department that the council policy is being adhered to;
- move the reports included in the council agendas for adoption and to explain to fellow councillors any points of uncertainty or anything which is not clear enough from the reports of the officials;
- keep the head of department informed of the views and sentiments of the council with regard to the work of that specific department; and
- foster a team spirit and mutual trust and understanding between himself/herself and his/her head of department and thus between the elected and the appointed officials.

There are certain **prerequisites** to ensure that the portfolio system functions effectively, namely the:

- council must trust the town clerk and senior officials enough to be willing to delegate as many of its functions and duties as possible to the officials;
- officials must never abuse this trust and must keep the council, through the spokesperson and comprehensive reports, fully informed on how they are carrying out their delegated duties and functions, and
- councillors and the officials must both have a very clear cut understanding of the different roles they have to play in municipal government and administration and they must constantly guard against the temptation of unwarranted interference in each other's sphere of work.

5. NORMATIVE GUIDELINES FOR COMMITTEES

For the purposes of this thesis the following three guidelines for the effective functioning of committees have been identified, namely:

- terms of reference;
- size and number of committees, and
- delegations to committees and officials.

5.1 Terms of Reference

It is apparent that committees have a terms of reference due to the functions which have been assigned to them by the council, for example, vertical committees for amenities and health, town planning and utilities and works and horizontal committees for finance and personnel.

The statements made by Anstey (1962 : 91) that "a committee must be given clear terms of reference defining the matters which are within its sphere of competence to consider, with the view to making agreed recommendations or decisions" and that "a committee should be clear as to its purpose and powers and should consist of people who are suitable to its terms of reference" verifies the importance of terms of reference.

5.2 Size and Number of Committees

Anstey (1962 : 21) gives the advantage of a small committee and the disadvantages of large committees, though he does not define what is meant by "small" and "large". He further states that, "in order to be technically competent a committee must be able to consider all the relevant points of view, it must also be small enough to make informal discussion possible", which implies that committees should not comprise numerous persons.

5.3 Delegations

The statements made by some of the authors referred to in this chapter emphasise the importance of delegation to committees and officials:

- Wheare (1955 : 171) states that an advantage of administration by committees is that "it is better for power to be shared with others as it is the tendency of individuals to abuse power";
- Wiechers (1979 : 18) states that "it is essential to delegate authority or power in government institutions due to the fact that each of the numerous political functionaries must know which part of the enforceable state authority he/she may carry out". He continues that (1979 : 18) "it is at the administrative level where delegation grows in stature and is inevitable as the chief cannot do everything. The chief has to give subordinates authority and power to perform";
- Wiechers (1979 : 19) further states "that councils cannot meet continuously as the members have other commitments". He goes on to say that "in order to overcome this problem and for the administration of the town or city to continue, councils appoint committees and power is delegated to the committees and to other senior officials", and
- Ripley (1970 : 29) is of the opinion that "any powers reserved to the council should be of sufficient significance to justify the delay involved for the public in that committee decisions cannot be implemented until the next council meeting".

6. SUMMARY

Committees form an integral part of a democratic way of life. Committees are established by a parent body for the purpose of making group decisions or recommendations to the parent body with the view to achieving a common goal or executing a specific task.

Committees can be totally inefficient and it is therefore essential for a committee to have or be given a clear terms of reference and, as far as possible to consist of people who are best qualified and suited to achieve the objective.

Meetings of committees should only be held when it is considered necessary to achieve an objective/s and every effort should then be made to ensure that maximum results are obtained.

Legislation in the Transvaal and Orange Free State makes it compulsory for the local authorities in those provinces to adopt the Management Committee System, whilst Cape Town is required to appoint an executive committee and four standing committees. The local authorities in Natal must appoint a finance committee and may appoint such other committees, either of a general or special nature as they may deem fit.

In terms of the **Municipal Ordinance, 1974**, local authorities in the Cape Province, that is Cape Town apart, may appoint committees for whatever purpose as and when deemed necessary. These local authorities may therefore make use of any committee system which best suits their particular needs or of no committee or system.

The committee system is a complicated organisation comprising of a number of component groups of which the effectiveness of the committee depends on a proper division of functions and the maintenance of proper contact between the various committees.

An effective committee system should restrict the activities of councillors to that of formulating, approving and supervising policy. The execution of administration and details therefore should fall outside the field of conduct of councillors.

In the ensuing chapter the findings and recommendations of a number of commissions and committees of enquiry which have been appointed to investigate the management and structure of local authorities in the United Kingdom and South Africa will be discussed.

CHAPTER 4

INVESTIGATIONS INTO THE MANAGEMENT AND STRUCTURES OF LOCAL AUTHORITIES

1. INTRODUCTION

Over the past few decades various commissions and committees of enquiry were appointed in the United Kingdom and South Africa to *inter alia* and report on the internal organisation and structure of local authorities.

These bodies of enquiry were appointed by the Government in the United Kingdom and by the Administrators of the various provinces in South Africa. The primary purpose for their appointment was to make recommendations pertaining to improving the efficiency and effectiveness of the internal organisation of local authorities with the view to curtailing delays in the execution of their functions and duties.

The terms of reference, findings and recommendations of the Maud and Bains Committees as well as the Marais, Van Zyl, Eksteen, Slater and Hopewell Commissions will be addressed in this chapter in chronological order.

2. THE MAUD COMMITTEE

2.1 Terms of Reference

The Maud Committee, under the chairmanship of Sir John Primatt Redcliffe-Maud was appointed in 1964 by the Minister of Housing and Local Government to consider in the light of modern conditions how local government in Britain might best continue to attract and retain people, both elected representatives and principal officers, of the calibre necessary to ensure its maximum effectiveness (Maud, 1967 : 1).

As a result of the study of local authorities in England and Wales the Maud Committee proposed fundamental reforms to the internal organisation of local authorities.

2.2 Findings

A number of relevant findings of the Committee pertaining to the internal organisation of local authorities are listed hereunder (Maud, 1967 : 32, 35 - 36):

- the average number of committees in county councils is nineteen and in county borough councils twenty one;
- the virtues of committees are out weighed by the failures and inadequacies of the Multiple Committee System. The system wastes time, results in delays and causes frustration by involving committees in matters of administrative detail;
- the system involved the production of an increasing volume of paper which demands staff, is wasteful of officers' time, is expensive to produce, overwhelms members and discourages delegation of responsibility to officers, and
- the association of each service with a committee, and of a department and a principal officer with both, produces a loose confederation of disparate activities, disperses responsibility and scatters the taking of decisions.

2.3 Recommendations

In this sub-section the Maud Committee's recommendations regarding the Management Board, committees, the Clerk and principal officers and delegation will be discussed.

2.3.1 Management Board

One of the fundamental changes recommended by the Maud Committee was that local authorities should establish a managing body, to be called the "management board" comprising five to nine members of the council, depending on the number of members or size of the council. To this end the Committee recommended that the size of the council should not exceed seventy five members in the largest authorities.

The Committee did not deem it necessary to make recommendations on the way in which the management board should be appointed and stated that local authorities should develop their own practices in this regard (Maud, 1967 : 41).

The following functions were recommended for the management board:

- to formulate the principal objectives of the authority and to present them together with plans to attain them to the council for consideration and decision;
- to review progress and assess results on behalf of the council;
- to maintain, on behalf of the council, an overall supervision of the organisation of the authority and of its co-ordination and integration;
- to take decisions on behalf of the council which exceed the authority of the principal officers, and to recommend decisions to the council where authority has not been delegated to the management board, and

- to be responsible for the presentation of business to the council subject always to the rights of members under standing orders.

Due to the fact that membership of or service on the management board would inevitably consume more time, the Maud Committee recommended that local authorities pay management board members part-time salaries in addition to the fixed expenses and travel and subsistence allowances (Maud, 1967 : 56).

2.3.2 Committees

Due to the confusion between the functions and responsibilities of members and officers, it was the purpose of the Maud Committee to disentangle them and to point to a division of labour between them (Maud, 1967 : 42).

Pertaining to the composition, functions and role committees should play, it was recommended that they:

- should not be directing or controlling bodies nor should they be concerned with routine administration;
- should not comprise more than fifteen members each (including co-opted members);
- make recommendations to the management board on the major objectives of the authority and study and recommend the means to attain these objectives;
- have a duty to review progress on plans and programmes and on the operation of individual services as the management board does for the whole range of services;
- consider the interests, reactions and criticisms of the public and convey them to the officers and if necessary to the management board;

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- consider any matters raised by their own members or referred to them by the management board, and
- take executive decisions only in exceptional circumstances when the management board requires them to do this: these fields of decision-taking should be strictly defined by the management board and it should be made clear that the committees issue instructions to the officers only on these matters.

The Maud Committee was of the opinion that if each committee dealt with a group of similar or related services, it would make co-ordination easier and reduce the tendency for the authority's work to be dispersed amongst a large number of service committees. The Committee believed that in an all-purpose authority it should be possible to reduce the number of committees to six, namely Planning and Development, Housing, Works (including Highways and Traffic), Education and Culture, Health and Welfare and Public Protection (Maud, 1967 : 43 - 44).

The Maud Committee accordingly recommended that the number of committees of a local authority be drastically reduced and that similar or related services be grouped and allocated to one committee.

The Committee further recommended the repeal of those provisions in the law which require local authorities to establish certain committees.

2.3.3 Clerk and Principal Officers

With regard to the position of the Clerk and other principal officers in local authorities, one of the proposals stressed in the report is that the Clerk should be the undisputed head of the council's staff. The Clerk at the time was on the same hierarchical level as the principal officers or

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heads of department, i.e. he/she was the departmental head responsible for administration.

In this connection the Committee recommended as follows (Maud, 1967 : 47):

- that the Clerk be recognised as head of the authority's paid service, and have authority over the other principal officers so far as this is necessary for the efficient management and execution of the authority's functions;
- that the Clerk be responsible to the management board and through it to the council, and
- that the principal officers be responsible to the council through the Clerk and their terms and conditions of service be such that the Clerk's position and their own position are made clear.

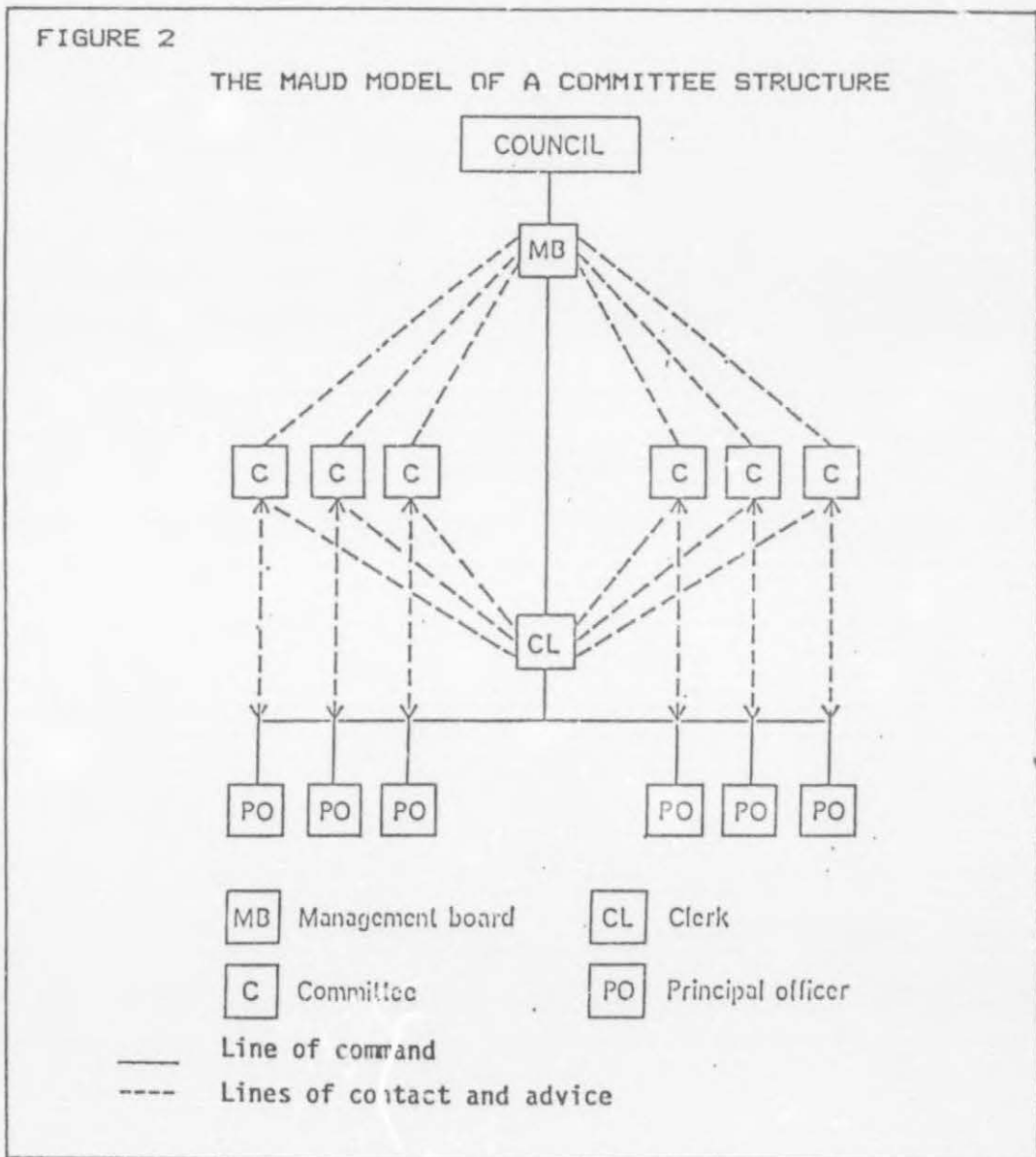
2.3.4 Delegation

Pertaining to delegation the aim of the Maud Committee was to reduce the burden of work on councillors and to entrust a much wider degree of responsibility to principal officers. The Committee states that it would save time and reduce expensive and unproductive paper work if principal officers had a wide degree of discretion in administering their service and departments (Maud, 1967 : 51).

The Maud Committee (1967 : 51) recommended that provision be made in legislation for delegation of powers by the councils to the officers of local authorities.

2.4 Proposed Organisation

The basic organisation proposed by the Maud Committee (1967 : 50) is shown diagrammatically in Figure 2:



3. THE BAINS COMMITTEE

3.1 Terms of Reference

The terms of reference of the Bains Committee were to set out the considerations which, in its opinion, should be borne in mind by local authorities in determining their structures of management at elected member and officer levels including particularly internal arrangements bearing on efficiency in the employment of manpower; to inform them of experience gained by existing authorities which have given special attention to their structures of management in recent years; and indicating which patterns, in its judgement, are most likely to be suitable for the types of authority to be established by the legislation now contemplated (Bains, 1971 : 1).

3.2 Findings

The findings of the Bains Committee pertaining to the council, the committee system and to principal officers will be dealt with in the following sub-sections.

3.2.1 The Council

The Bains Committee found that councils exercised their role very widely. At the one extreme the full council would receive and consider copies of the minutes and reports of every committee meeting and the members in council were at liberty to reserve any individual item for debate by the council. In the centre are those authorities where the council receives and considers reports in the form of summaries of the major activities of its various committees. At the other extreme the Committee received evidence from

a local authority where virtually nothing comes before the council unless members specifically so require (Bains, 1971 : 20).

The Committee found that despite these variations in many authorities the council was increasingly being seen as a body whose major function was to "rubber stamp" decisions which have effectively been taken elsewhere. The result was that the proceedings of council became more and more formal and ritualistic and its role downgraded in the eyes of the members, officers and most important, the public (Bains, 1971 : 20).

The Committee was of the opinion that the council should reserve to itself in the terms of delegation to committees the more important policy matters and that the council should have a role as a debating and policy formulating forum.

3.2.2 The Committee System

The Bains Committee was of the view that it is undesirable to require local authorities to appoint particular committees due to the fact that it encourages both members and officers for those and other services to adopt a departmental rather than corporate approach (Bains, 1971 : 21).

The Bains Committee (1971 : 21) in their interim report urged the removal of all statutory requirements upon local authorities to appoint particular committees.

Due to the fact that the Government decided to retain the Multiple Committee System pertaining to certain services, the Committee did not seek to find radical alternative

systems of organisation at member level but rather attempted to bring more flexibility to the committee system.

Evidence before the Committee revealed that in a number of local authorities only the structure was changed but not the management process (Bains, 1971 : 21).

3.2.3 Principal Officers

The Bains Committee concurred with the recommendation of the Maud Committee that there should be one person as the head of the authority's paid service who should have authority over the principal officers insofar that this is necessary for the efficient management and execution of the authority's functions. The Committee was also of the opinion that the Chief Executive should be free of departmental responsibilities (Bains, 1971 : 40 - 46).

The Committee believed that the officers' management team should have a corporate identity and a positive role to play in the corporate management of the authority. It is the counterpart at officer level to the proposed Policy and Resources Committee (see Figure 3 on p. 64). The Committee further suggested that it is of the essence for the corporate approach to management that principal officers recognise that there are few if any major decisions which can be made in isolation without some impact on other areas of responsibility. The Committee stated that the team's corporate identity should be recognised formally as part of the management structure by the council (Bains, 1971 : 48 - 50).

3.3 Recommendations

The recommendations of the Bains Committee concerning the Policy and Resources Committee, its Sub-committees and other Standing Committees will be addressed in the following sub-sections.

3.3.1 Policy and Resources Committee

The main recommendation of the Bains Committee was the establishment of a so-called "Policy and Resources Committee" with four sub-committees to deal with finance, staff, land and performance review. The Committee was of the opinion that such a committee will aid the council in setting its objectives and priorities and, once the major policy decisions have been taken, will be instrumental in co-ordinating and controlling the implementation of those decisions (Bains, 1971 : 23). As the name implies the major resources of a local authority, namely finance, staff and land (including buildings) would resort under the Policy and Resources Committee.

The Bains Committee was not specific with regard to the number of members to serve on the Policy and Resources Committee or how they should be appointed. Pertaining to membership the following recommendations were made by the Bains Committee (Bains, 1971 : 27 - 28):

- minority party representation on the Policy and Resources Committee is favoured;
- provision should be made for members, other than the chairpersons of the compulsory service committees to serve on the Policy and Resources Committee, and
- the members of the Policy and Resources Committee, other than its chairperson should be members of other committees.

The functions of the Policy and Resources Committee may be summarised as follows, namely to:

- provide the council with comprehensive and co-ordinated advice on the implications of proposed policies;
- assist the council in setting its objectives and determining its priorities;
- co-ordinate and control the implementation of policy decisions, and
- be responsible for the major resources of the authority, such as finance, staff and land.

3.3.2

Sub-committees

The Bains Committee **recommended** that three resources sub-committees, namely finance, manpower and land should be appointed to deal with more routine matters requiring member participation and that the parent body, i.e. the Policy and Resources Committee should deal only with matters of major importance, not, for example, with trivial questions of expenditure (Bains, 1971 : 24). It is not clear what is meant by the terms "more routine matters" and "matters of major importance".

With regard to the membership of the resources sub-committees the Committee **recommended** (Bains, 1971 : 24 - 25) that it should not be limited to members of the Policy and Resources Committee. The chairpersons of the sub-committees should, however, be members of the Policy and Resources Committee.

The Bains Committee **recommended** the establishment of a fourth sub-committee to review the performance of officers and programmes against defined objectives on a regular basis. The Committee believed that a watchdog body, with

the standing and formal authority to make detailed investigation into any project, department or area of activity would provide an extremely useful service to management (Bains, 1971 : 25 - 26).

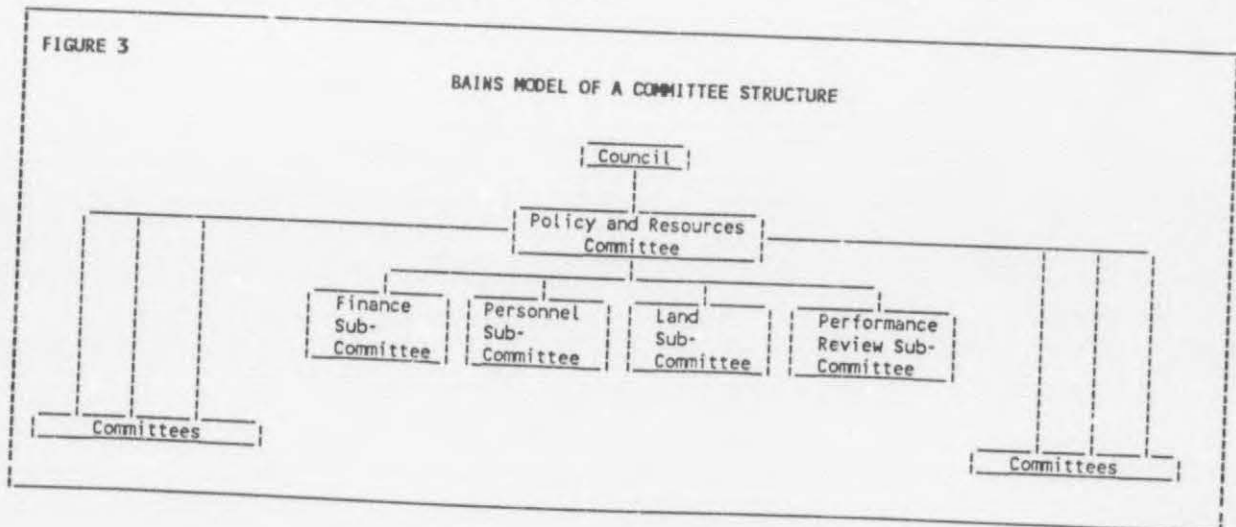
These sub-committees differ from the sub-committees referred to in sub-section 4.4.4 of Chapter 3 in that they comprise members of more than one committee.

3.3.3 Other Committees

The Bains Committee did not make any recommendation pertaining to the number of committees. The report states (Bains, 1971 : 31) that "there is no best buy when it comes to deciding the number of committees which a particular authority requires; the number will certainly vary between authorities and within limits is not critical, though basic management principles would suggest four rather than fourteen".

3.4 Proposed Committee Structure

Figure 3 depicts the Bains model of a committee structure for a local authority.



4. THE MARAIS COMMISSION

4.1 Terms of Reference

In 1953 the Administrator of the Transvaal appointed a commission of enquiry under the chairmanship of Justice J F Marais to enquire into and report on the system of local government in the Transvaal with special reference to the powers and functions of standing committees of local authorities and the extent to which such powers and functions should be limited to prevent interference with municipal officials in the performance of their duties.

4.2 Findings

The Marais Commission identified the Multiple Committee System as being the crux of the problem of local government in the Transvaal (Marais, 1955 : para 88). The Commission's findings were that (Marais, 1955 : paras 96 - 102):

- the system was directly responsible for the division of the council's officials into compartments, jealously guarded by the respective heads of department;
- the system promoted the view among councillors that each one is vested with the council's authority;
- the system stifled public interest in that the committees worked behind closed doors;
- the system took up too much time of councillors with the result that suitable persons would not avail themselves for council elections;
- the committees operated in a silo, there was no administrative co-ordination, similarly the departments were independent of each other, i.e. there was no corporate approach to the council's business;

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- flowing from the foregoing finding, the council's control, supervision and policy determination was severely fragmented;
- the council operated through its committees and the committees could not operate without direct access to the heads of department who were responsible for carrying out the council's policy;
- the officials had as many chiefs as there were councillors, particularly in respect of the members of "their" standing committee;
- the system encouraged councillors to acquire power and to misuse confidential information to their advantage, and
- the interference of councillors with officials undermined the morale and discipline of the officials.

The Marais Commission conceded that the Multiple Committee System also had certain advantages, namely that (Marais, 1955 : para 94):

- small standing committees of up to five members were able to dispose of their tasks in an efficient manner;
- every councillor was afforded the opportunity of playing a useful role or making a positive contribution towards running some part of the municipal machine, and
- it enabled councillors to specialise in a particular activity or portfolio which in turn enabled them to assist the council to formulate policy with regard to the activity and consequently to efficiently supervise the execution thereof.

4.3

Recommendations

The Marais Commission (1955 : para 109) recommended that the Multiple Committee System be abolished and that the executive functions of councils be entrusted to one single committee (called the executive committee) in order to:

- eliminate fragmentation;
- waylay abusing their position and interference in administration by councillors;
- revitalise council as a policy-making body;
- speed-up the decision-making process;
- permit the formation of long-term policies, and
- attract suitable candidates as councillors.

Pertaining to the executive committee, the Commission recommended that (Marais, 1955 : paras 110 - 126):

- as the services of the specially selected persons (either three or five as the case may require) will have to be practically full-time, they should be remunerated accordingly;
- the executive committee be jointly responsible for everything done by every member of the committee, i.e. that the committee resigns *en bloc* if a motion of no confidence in any one member is passed;
- provision be made in the proposed local government ordinance for the Administrator, with the consent of the local authority concerned, to approve the appointment of other committees;

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- provision be made in the proposed ordinance to encourage delegation to officials;
- the executive committee be given complete control of the finances of a local authority, subject to the right of veto vested in the full council;
- the executive committee be given power to make staff appointments, excepting that of the town clerk and heads of department;
- the members of the executive committee should not have any direct contact with any official other than the head of department, whose position as the only official link between the council and the staff should be put beyond all doubt, and
- except where a motion of no confidence in one or more members of the executive committee is passed, the members are to serve on the committee for the duration of the life of the council that elected them.

4.4 The Management Committee

The first management committees came into operation in the Transvaal in March 1961 in terms of the **Local Government (Administration and Elections) Ordinance, 1960** (the Marais Commission used the term "Executive Committee" in their reports).

The composition and functions of the management committee will be addressed in the following sub-sections.

4.4.1 Composition

A management committee comprises three members in towns with less than twenty councillors and five members with councils of twenty or more councillors. Members of management committees are elected for five years.

4.4.2 Functions

The functions of a management committee are set out hereunder (Craythorne, 1990 : 164):

- to ensure that the decisions of the council are carried out;
- to consider matters entrusted by law to the council, except items excluded by request of the council, advising and making recommendations to the council;
- preparation and submission of the annual capital and operating estimates to the council;
- staff appointments with the exception of major posts, i.e. town clerk, heads of department;
- controlling the expenditure of funds;
- reporting to the council on the execution of its functions, and
- taking steps to protect staff and the property of the council against attacks or sabotage.

4.5 Other Committees

Section 60 of the **Local Government Ordinance, 1960**, provides for the establishment of further committees with the approval of the Administrator if a council is of the opinion that the management committee, due to the nature and extent of the powers, functions and duties delegated to it, is or will not be able to fulfil those powers, functions and duties satisfactorily. Committees have been appointed in certain of the cities in the Transvaal, for example Johannesburg and Pretoria.

5. THE VAN ZYL COMMISSION

5.1 Terms of Reference

The Administrator of South West Africa appointed a commission of enquiry under the chairmanship of Adv Van Zyl in 1960 to enquire and report on the management and structure of local authorities in the then South West Africa.

The Commission stated that the basic motive for its appointment was the agitation by local authorities for wider powers and for the removal of obsolete conceptions of control.

5.2 Findings

The Van Zyl Commission found that (Hopewell Committee 1968 : 10):

- council matters were not discussed in public and that purely routine matters were placed before the council for formal approval, and
- councils spent too much time on trivialities and that more important issues of policy consequently suffered.

5.3 Recommendations

Flowing from its findings the Commission recommended that (Hopewell Committee, 1968 : 11):

- a system of management committees be introduced in municipalities;
- the management committee would have to advise the council on the financial implications of any project or matter;

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- the position of town clerk should not merely be secretarial/administrative, but that of a general manager;
- members of the management committee should be remunerated according to the responsibilities they bear;
- the management committee should be able to delegate as much of its powers to other committees and to officials as may be agreed upon by the council;
- the minimum number of councillors serving on a council should be increased from six to seven members so that the management committee, which should consist of at least three members may not dominate the council, and
- the power of the council to appoint advisory committees for specific purposes or tasks should remain.

The Van Zyl Commission's recommendation that the Multiple Committee System be abolished and that the executive functions of councils be entrusted into one single committee (called the Management Committee), was given legislative effect in the **Municipal Ordinance, 1963** (Ordinance 13 of 1963).

5.4 The Management Committee

In the following sub-sections the composition and functions of the Management Committee and powers to delegate will be discussed.

5.4.1 Composition

Section 147 of the **Municipal Ordinance, 1963**, provides that the council must appoint a management committee of three members where there are not more than nine councillors. In

terms of the Municipal Ordinance, 1963, a council comprising of more than nine members has the choice between a management committee of three or five members. The mayor and deputy mayor, may be chairperson and deputy chairperson of the council if they are not members of the management committee. The term of office of members of the management committee is one year and the committee may be subject to a vote of no confidence in which case all the members are required to resign.

5.4.2 Functions

The functions and powers of the management committee are to (Evans, 1969 : 69):

- carry out the policy laid down by the council;
- prepare and submit to the council the estimates of income and expenditure;
- advise the council on the financial implications of its policy, schemes or proposed expenditure or the practicality of any scheme;
- appoint all officials, excluding the town clerk and heads of department, and
- submit a report to each ordinary meeting of the council on all the decisions taken by it since the previous meeting of the council.

5.4.3 Power to Delegate

The council may at any time authorise the management committee to delegate any of its powers to any councillor, official or sub-committee appointed by the management committee. The power to delegate to an individual councillor is an interesting departure from the system in the Transvaal, and according to Evans (1969 : 70) this

delegation in general, as well as to officials, is not subject to the control of the Administrator as provided for in the Transvaal in the Local Government Ordinance, 1960.

6. THE SLATER COMMISSION

6.1 Terms of Reference

In 1963 the Administrator appointed Dr W J B Slater as a one-man commission to enquire into and report on the system of local government which applies to the City of Cape Town and the functioning under this system of the council and its various committees.

6.2 Findings

Slater (1964 : 12 - 18) found that:

- the council with its forty five members was too large;
- there were too many committees (a total of twenty one functioned in 1962), resulting in fragmentation of control without effective co-ordination with some 55 tons of duplicating paper used annually for committee agenda and reports which amounted to 36 000 sheets of paper per working day;
- there was inadequate delegation to officials, which fact detrimentally and gravely clogged the work of the council and its committees;
- there was inadequate co-ordination in the city administration between the various departments, and
- the fault of the Multiple Committee System was in its abuse.

6.3 Recommendations

Slater (1964 : 30 - 31) recommended that:

- the council be reduced to thirty members;
- the Multiple Committee System be abolished and that a five- member executive committee and four standing committees each comprising six councillors be established;
- the chairpersons of the standing committees be members of the executive committee;
- the chairperson of the executive committee not serve on any standing committee, and
- non-members of the executive committee should not be permitted to attend its meetings, which would be prolonged by their presence.

The recommendations of Slater led to the promulgation of the Municipality of Cape Town Administration Ordinance, 1965, which makes provision for a council of thirty four members with two councillors for each of the seventeen wards (Slater proposed a council of thirty members), an executive committee with five councillors serving as members and four standing committees with seven councillors serving on each as committee members (Slater proposed that these standing committees should have six members each).

6.4 The Executive Committee

The sub-sections that follow will deal with the composition and functions of the Executive Committee.

6.4.1 Composition

In accordance with the provisions of Section 5 of the Municipality of Cape Town Administration Ordinance, 1965, the Executive Committee comprises five members. The chairperson of the committee is not a member of any

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other committee nor may he/she be the mayor. The other four members of the committee are respectively the chairpersons of the four standing committees.

6.4.2 Functions

The functions of the executive committee are as follows:

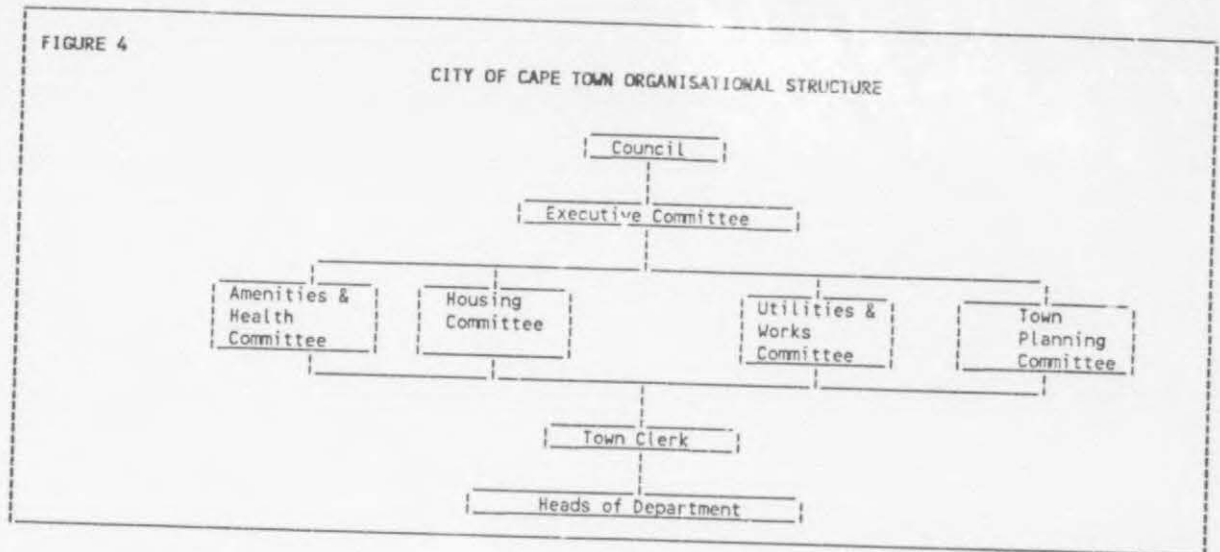
- control of revenue collection and of expenditure;
- preparation and submission of the annual estimates to the council;
- reporting with recommendations to the council on matters referred to it by the council;
- reporting with recommendations to the council on matters executed by the committee, and
- reporting with recommendations to the council on any other matters affecting the municipality.

6.5 Standing Committees

In terms of Section 10 of the Municipality of Cape Town Administration Ordinance, 1965, the Municipality of Cape Town is required to appoint the following four standing committees, namely for Amenities and Health, Housing, Town Planning and Utilities and Works each comprising eight councillors. Seven councillors are appointed by the Council to serve on these four committees whilst the eighth member who is the chairperson is a member of the Executive Committee.

6.6 Organisational Structure

The organisational structure of the Cape Town City Council is diagrammatically depicted in Figure 4. From Figure 4 it is evident that the four standing committees report to the Council via the Executive Committee:



7. THE EKSTEEN COMMISSION

7.1 Terms of Reference

In 1964 the Administrator of the Orange Free State appointed a commission of enquiry under the chairmanship of Justice J P G Eksteen to investigate whether the existing legislation on local government was adequate and satisfactory taking into account the demands made upon local government and to examine *inter alia* the constitution and functioning of local authorities with regard to the adequacy of the existing committee system in that province.

7.2 Findings

The Commission, in its report, quotes extensively from the report of the Marais Commission, to whose findings it subscribes in so far as the Multiple Committee System is concerned.

The Commission found that (Eksteen, 1966 : paras 4 & 6):

- certain councils implemented the statutory requirement that a councillor should serve on at least one committee in such a way that all the councillors served on all the committees with the result that the council's functions were in fact discharged in-committee, and
- only one town delegated powers to its standing committees.

The following statements in favour of and/or proposals for the Management Committee System were made by the Eksteen Commission (Eksteen, 1967 : paras 7 to 23):

- members of the management committee should be elected for the full term of the council due to the members being able to render more informed and efficient guidance than the continually changing chairpersons of committees, whilst they can also exercise efficient control over the different municipal functions;
- whilst the Management Committee System causes non-members of that committee to have fewer functions to perform, they are kept fully informed of the decisions taken in that the minutes of the meetings of the committee are circulated to all members;
- the Management Committee System makes council meetings more manageable and less onerous, thereby encouraging community leaders and professionals to place their knowledge and experience at the disposal of municipal councils without binding themselves to the time-consuming tyranny of the Multiple Committee System;
- due to the exacting nature of their duties and because a great deal of their time will have to be devoted to municipal affairs, management committee members should

receive a better allowance than those councillors who are not members of the committee, and

- the Management Committee System will ensure even the smallest municipality of a more efficient form of local government than is possible under the present system.

7.3

Recommendations

The recommendations of the Eksteen Commission pertaining to the constitution and functioning of local authorities in the Orange Free State were that (Eksteen, 1966 : 18 - 19):

- the system of management committees be introduced in all municipalities;
- wide powers be assigned and delegated to the management committee, and the management committee should in turn, with the approval of the council, be empowered to delegate certain powers to heads of department;
- the minimum number of members forming a management committee should be three, with a maximum of five where a council consists of fourteen or more elected members;
- a motion of no confidence may be proposed in an individual member of a management committee provided a prescribed procedure is followed in that the motion will only be considered by the council if due notice of its introduction is given before the council meeting at which it is introduced and such motion has to be properly motivated and be discussed in open council, and
- although minutes of management committee meetings are to be sent to all councillors, only members of the management committee may be present at its meetings, however, in exceptional cases and on special invitation of the management committee other councillors may be permitted to attend.

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The Commission's **recommendation** that a management committee be introduced in all the municipalities in the Orange Free State was given legislative effect in the **Local Government Ordinance, 1962**, as amended by the **Local Government Further Amendment Ordinance, 1966**.

7.4 **The Management Committee**

The composition and the functions of the management committee will be dealt with in the sub-sections that follow.

7.4.1 **Composition**

Each council of not more than eleven members must appoint a management committee of three members and every council of more than eleven members a management committee of five members. After two years one member of a three-person and two members of a five-person management committee must resign. These vacancies on the committee are filled by the council. After a further two years the same procedure is followed. In all cases the members who polled the least number of votes must resign. This process, however, does not prevent the same members from being re-elected.

The management committee is elected by the council after each general election after the election of the mayor and deputy mayor. The mayor may not serve as chairperson of the management committee nor may he/she preside at council meetings if he/she is a member of the management committee.

7.4.2 **Functions**

The functions of the management committee in the Orange Free State are (Craythorne, 1990 : 164):

- controlling the collection of revenue, and of expenditure;

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- the preparation and submission of the annual estimates to the council;
- reporting, with recommendations, to the council on matters executed by the committee;
- reporting, with recommendations, to the council on any matters referred to it by the council, and
- ensuring that the decisions of the council are carried out.

8. THE HOPEWELL COMMITTEE

8.1 Terms of Reference

The Administrator of Natal appointed a committee of enquiry in 1967 under the chairmanship of Mr A Hopewell to investigate the desirability or otherwise of introducing the system of local government management committees as is in operation in the other provinces into local government in Natal, and to make recommendations thereanent (Hopewell, 1968 : 1).

8.2 Findings

The Hopewell Committee states that the commissions of enquiry in the Transvaal, South West Africa, Orange Free State and Cape Town brought about the introduction of similar systems, the main features of which are that:

- the flexible Multiple Committee System has been abolished and replaced by a single management committee comprising a maximum of five members;
- a vestige of the Multiple Committee System remained in the larger cities in that other committees

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exist the difference being that these committees report to the management committee and not direct to the council;

- there has been an extensive delegation of authority to the management committee and by it to the town clerk and heads of department, and
- the status of the town clerk has been enhanced to that of the head of the service, as chief executive and administrative officer.

The Hopewell Committee took particular care in examining documentary evidence which was critical of the Management Committee System because it realised that a new system could reasonably be expected to experience difficulties in the initial stages. As the Management Committee System had been in operation longer in Transvaal than elsewhere, most of the papers examined by the Committee related to the Transvaal system (Hopewell, 1968 : 14).

The Hopewell Committee did not agree with the conclusions of the investigations with respect to committees in the other provinces because the evidence showed that over many years there had been a close liaison between the Administrator-in-Executive Committee and the various local authorities in Natal, which led to the periodic amendment of legislation aimed at improving the system of local government in the province (Hopewell, 1968 : 27).

The Hopewell Committee (1968 : 27 - 28) prefaces its criticisms of the recommendations of the foregoing investigations by making the following general observations:

- A general recommendation of the investigations was that the position of the town clerk has been revised with a view to more efficient administration.

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The Committee is of the opinion that if this change had been made many years ago and if local authorities had made more use of the practice of delegating plenary powers to senior officers, various commissions might well have found less to criticise in the Multiple Committee System.

The Committee is furthermore of the opinion that many of the advantages claimed for the Management Committee System are in the large measure to be ascribed to a revision of the town clerk's position and an acceptance of the practice of delegation.

- A further general recommendation of the investigations was that the delegation of powers to management committees and their exercise of those powers as a matter of course could only lead to a smoother running of the municipal machine and the more expeditious despatch of council business.

The Committee points out that three of the commissions of enquiry, namely Eksteen (with one exception), Slater and Van Zyl found that local authorities did not delegate powers before the Management Committee System was introduced.

In the opinion of Hopewell Committee (1968 : para 58), "the ailment of the municipal patient was incorrectly diagnosed by its predecessors". It goes on to state that "what ailed the patient was not the Multiple Committee System, but the manner of its application".

The evidence presented to the Hopewell Committee showed that the majority of local authorities in Natal were not in favour of the imposition of the Management Committee System.

8.3 Recommendation

The Hopewell Committee recommended that the Management Committee System should not be made mandatory in Natal and that the existing provisions in the Local Government Ordinance, 1942 (Ordinance 21 of 1942), relating to Committees and to the Delegation of Powers should remain, which was accepted by the Administrator of Natal.

9. EVALUATION OF THE NORMATIVE GUIDELINES FOR COMMITTEES

Flowing from the findings and recommendations of the various investigations into the management and structures of local authorities dealt with in this chapter, the following support the normative guidelines identified for an effective committee system.

9.1 Terms of Reference

The Slater Commission (1964 : 33) recommended that the four standing committees be given strict terms of reference.

9.2 Size and Number of Committees

The Maud Committee (1967 : 42) recommended that committees should not comprise more than fifteen members. This is a dramatic reduction considering that the Committee found that some county councils had as many as twenty nine members serving on a committee. The Maud Committee (1967 : 43) also recommended that the number of committees of a local authority be drastically reduced and that similar or related services be grouped and allocated to one committee.

The Bains Committee (1971 : 30 - 31) stated that the reduction in the number of committees together with more delegations to officials have produced results in practice.

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The Marais Commission (1955 : para 94) found that small committees of up to five members were able to dispose of their tasks in an efficient manner.

The Slater Commission (1964 : 30) recommended that the standing committees in Cape Town be reduced to four.

9.3

Delegations

The Maud Committee (1967 : 51) recommended that provision be made in the legislation for delegation of powers by the councils to the officers of local authorities.

The Bains Committee (1971 : 21) stated that the council should reserve to itself in terms of delegation to committees only the more important policy issues.

The Marais Commission (1955 : para 118) recommended that provision be made in the proposed local government ordinance to encourage delegation to officials, which recommendation was accepted.

The Van Zyl Commission (Hopewell Committee : 1968 : 10) found that councils spent too much time on trivialities and that the more important issues of policy were consequently not addressed properly, i.e. no delegation.

The Van Zyl Commission (Hopewell Committee : 1968 : 11) recommended that the management committee should be able to delegate as much of its powers to other committees and to officials as may be agreed upon by the council, which recommendation was accepted.

The Eksteen Commission (1966 : 18) recommended after it established that only one local authority delegated powers to its committees, that wide powers be delegated to the management committee who should in turn, with the approval

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of the council be empowered to delegate certain powers to heads of department.

The Slater Commission found there were too many committees (twenty one) and a lack of delegation which clogged up the work of the council and its committees. In paragraph 70 of his report Slater (1964) states that 10 000 or so items which appear annually on the committee agendas could be reduced by at least half by intelligent delegation to officials.

The Slater Commission (1964 : 32) recommended that extensive delegation of authority must be given to the town clerk and heads of department. The Municipality of Cape Town Administration Ordinance, 1965, not only encourages delegation but also provides that the Administrator may compel the council or the executive committee to delegate if in his opinion these bodies do not do so to a sufficient degree.

The Hopewell Committee (1968 : 28) was of the opinion that many of the advantages claimed for the Management Committee System can be ascribed to the acceptance of the practice of delegation.

10. SUMMARY

It is interesting to note that all the Commissions of Enquiry, with the exception of the Hopewell Committee advocated the establishment of a Management Committee System.

It should, however, be stressed that the commissions of enquiry in South Africa and the then South West Africa which were appointed prior to the Hopewell Committee all found that there was a serious lack of delegation to committees and to officials in the respective provinces. It is for this reason that the commissions recommended an

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extensive delegation of authority to the management committee and by it to the town clerk and heads of department.

The Maud Committee proposed that each council should appoint a so-called "Management Board" with extensive delegated powers and that the standing committees report through it to the council.

The Bains Committee was more pragmatic or less rigid in its approach than the Maud Committee. The former proposed the establishment of a Policy and Resources Committee which should not only consist of the chairpersons of the standing committees, but also of ordinary members and some drawn from the minority political parties.

As mentioned in the concluding paragraphs of the previous chapter, the management or executive committee system, as it is known in Cape Town, was made compulsory in the Transvaal, the Orange Free State, the then South West Africa and for the Municipality of Cape Town because of the findings and recommendations of the respective commissions of enquiry.

Due to the fact that the Municipal Ordinance, 1974, enables councils in the Cape Province to appoint occasional and standing committees as and when required, the Municipality of Somerset West over the years adopted various committee systems and combinations thereof, details of which will be discussed in the next chapter.

CHAPTER 5

COMMITTEE SYSTEMS OF THE SOMERSET WEST MUNICIPALITY

1. INTRODUCTION

The various committee systems in use by the Somerset West Municipality over the past thirty years are to be addressed in chronological order.

Various interviews have been conducted with the town clerk, a long serving councillor and an ex councillor to establish the reasons for the failure of the various committee systems, i.e. why they were abolished or changed at such regular intervals.

An analysis is also carried out to establish whether there is a correlation between changes to the incumbents of the council and the changes to the committee systems.

The terms of reference, composition and strengths and weaknesses of the present committee system are described.

A description is also given of the delegations to the town clerk and principal officers as well as the terms of reference and functional procedure of the heads of department corporate management team.

2. HISTORICAL OVERVIEW OF COMMITTEE SYSTEMS

The committee systems of the Somerset West Municipality since 1960 are dealt with in chronological order in the following sub-sections.

2.1 Multiple Committee System : 1960 to 1965

In the early 1960's a Multiple Committee System was in force at the Somerset West Municipality. The council over the period varied the number of committees, with the maximum being seven. The number of members serving on the

committees varied from four to eight members, i.e. all the members serving on the Finance and General Purposes Committee. Each committee reported to the Council at its monthly meeting.

In September 1962 a sub-committee was appointed comprising three councillors to "look into ways and means of speeding up the work of the Council", i.e. delegations to committees and officials.

2.2 Executive Committee System : May 1965 to September 1966

In April 1965 the Council (Somerset West : Minutes of Council Meeting 28 April 1965 : Item 4) decided to abolish the Multiple Committee System and established an Executive Committee in place thereof. The Executive Committee comprised five members, the quorum being three. The powers and duties of the Executive Committee as approved by the Council are set out in Annexure "A".

The reason given for the change is that the Council was informed of the Executive Committee System which was in operation at the Windhoek Municipality whereupon the system was implemented.

2.3 Multiple Committee System : October 1966 to April 1968

A motion which appeared on the agenda of the meeting of the Council held in September 1966 (Somerset West : Minutes of Special Council Meeting 14 September 1966 : Item 4) proposed that three executive committees of four councillors each be formed. It stated that this would spread the workload carried in the past by the chairperson of the executive committee. It would also make it possible for councillors to select the committees of their choice on the grounds of their special interest in a particular field of local government.

The motion further proposed that powers should be delegated not only to the executive committees but also to specified officers of the Council.

The Council however decided to revert back to the Multiple Committee System and appointed five committees comprising between four and six members, the mayor being an *ex officio* member of the committees.

The Finance and General Purposes Committee comprised a chairperson and vice-chairperson plus the chairpersons of the other four committees.

In January 1967 the Council (Somerset West : Minutes of Council Meeting 25 January 1967 : Item 4) decided to reduce the number of committees from five to three, namely Protective Services, Public Amenities and Finance and General Purposes, which entailed grouping certain functions and the membership of the committees being increased from four to five.

The reasons given for the change back to the Multiple Committee System are as follows:

- A general election was held in 1966 and five new councillors were elected, and
- flowing from the foregoing the councillors did not know each other and were therefore reluctant to vest too much power in a few councillors, i.e. the composition of the executive committee which made provision for a membership of only five.

2.4

Portfolio System : May 1968 to September 1968

A motion which appeared on the agenda of the meeting of the Council in April 1968 (Somerset West : Minutes of Council Meeting 10 April 1968 : Item 5) proposing a portfolio system

stated that the Council was continuously in pursuit of improving and maintaining a competent and efficient organisation and that it should be the desire of all councillors to introduce into the activities of the Council a more purposeful and practical system.

The Council decided to establish a portfolio system whereby the activities or functions of the Council were divided into seven portfolios, namely Finance and Staff, Town Planning and Housing, Electricity and Traffic, Public Works and Water, Health, Parks, Gardens and Cemeteries and General Purposes. Each councillor, excluding the mayor was responsible for one portfolio. The Council further decided to meet twice a month.

The reasons for changing to the portfolio system were:

- the desire of the councillors to become more involved in the overall management of the town, and
- to speed-up the decision-making process by means of two council meetings per month.

2.5 Multiple Committee System : October 1968 to June 1970

In September 1968 the Council (Somerset West : Minutes of Special Council Meeting 6 September 1968 : Item 4) decided to revert back to the Multiple Committee System and appointed four committees, namely Protective Services, Public Amenities, Finance and General Purposes and Staff each comprising five members with the mayor being an *ex officio* member of all the committees.

Over this period, namely October 1968 to June 1970 the Council restructured its committees on two occasions, namely January and September 1969. On each of these occasions the portfolios, membership and quorums were changed.

The reason for reverting back to the Multiple Committee System was that during the five months while the portfolio/two council meetings per month system was in place the Council referred numerous matters back for further investigation and report to the ensuing meeting of the Council, which was held fortnightly.

2.6 No Committees : July 1970 to September 1970

In June 1970 the Council (Somerset West : Minutes of Council Meeting 24 June 1970 : Item 5) decided to abolish the Multiple Committee System and to hold two council meetings per month instead. These meetings were held on the second and last Thursdays of the month.

The motion submitted to the Council in this regard stated that the administration of the Municipality can be considerably improved and matters upon which the Council has to take decisions can be expedited if bi-monthly Council meetings are held.

The motion also proposed that more powers be delegated to the heads of department to dispose of routine matters of a recurrent nature.

2.7 Portfolio System : October 1970 to September 1972

In September 1970 the Council (Somerset West : Minutes of Special Council Meeting 4 September 1970 : Item 4) decided to re-introduce the Portfolio System. Each of the seven portfolios, namely Finance, Personnel, Planning, Health, Works, General Purposes and Electricity and Traffic comprised two councillors, one being the chairperson and the other the vice-chairperson.

The reasons (interviews) for the re-introduction of the Portfolio System were given as being political, i.e. to suit a few individuals' desires and needs, and that the

holding of two council meetings did not achieve the objective of speeding up the decision-making process in that numerous items were referred back for further investigation.

2.8 Multiple and Portfolio System : October 1972 to September 1980

In September 1972 the Council (Somerset West : Minutes of Special Council Meeting 15 September 1972 : Item 3) decided to appoint a Works and Planning Committee which is still in existence in 1993. The Committee comprised four members, would have to meet once a month and report to the Council on a monthly basis. In addition the Council appointed five portfolios, namely Finance, Staff, Traffic, General Purposes and Health and Housing each comprising two Councillors.

In September 1976 the Council (Somerset West : Minutes of Council Meeting 8 September 1976 : Item 4) appointed a second committee, namely the Finance Committee as well as a Building Plans Sub-committee which was to report to the Works and Planning Committee. The five existing portfolios were retained.

The Works and Planning and Finance Committees each comprised all councillors, four being a quorum and met once a month.

In September 1978 the Council (Somerset West : Minutes of Council Meeting 11 September 1978 : Item 4) appointed a third committee, namely the Staff Committee and reduced the number of portfolios from five to two, namely Traffic and Health and Housing.

3. THE PRESENT COMMITTEE SYSTEM

Since September 1980 the Council operated with a Multiple Committee System. Over this period the number of committees varied between three and four. The number of members serving on the committees varied between four and five up to

the general election in 1984, whereafter all eight councillors were members of all the committees.

In 1991 the Council used four committees, namely Finance, Works and Planning, General Purposes and Staff.

In accordance with a resolution of Council dated 27 July 1992 the *modus operandi* of the present committee system is as follows:

- the General Purposes Committee was abolished;
- there are three standing committees, namely, Works and Planning, Finance and Staff and all councillors are members of these committees;
- there is a Town Planning Sub-committee (previously known as the Building Plans Sub-committee) which reports to the Works and Planning Committee, and
- an "Executive" (Dagbestuur) was established comprising four councillors, one from each ward with certain delegated powers, such as to authorise the use of the municipal coat of arms by private persons or bodies, to determine the replacement value of municipal property for insurance purposes and to approve the removal of title restrictions if no objections are received.

It should be noted that since the Council implemented the "Executive" it has met on only two occasions.

The present committee system has both strengths and weaknesses. The strengths of the system are:

- it encourages and affords all councillors the opportunity to fully participate in the formulation of recommendations, and

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- the meetings of the Council are of short duration in that all the councillors have been involved or have participated in the decision-making process in respect of each item appearing on the agenda for the Council meeting.

The weaknesses of the present system are as follows:

- the Council has delegated no powers to its committees which creates unnecessary duplication, delays the decision-making process and results in trivial matters being submitted to the Council;
- all councillors serve on all committees which often leads to prolonged discussion of straight forward issues on the agenda;
- matters appearing on the agenda of the Town Planning Sub-committee appear on the agenda of the Works and Planning Committee and again on the Council's agenda, albeit in a shortened format, leading to duplication;
- minutes of committees are submitted to the Council, which meets one week later, for "rubber stamping" and as the business of the Council is conducted in-committee and most of the items on the Council agenda are not debated, the Council meetings consequently do not attract public interest.

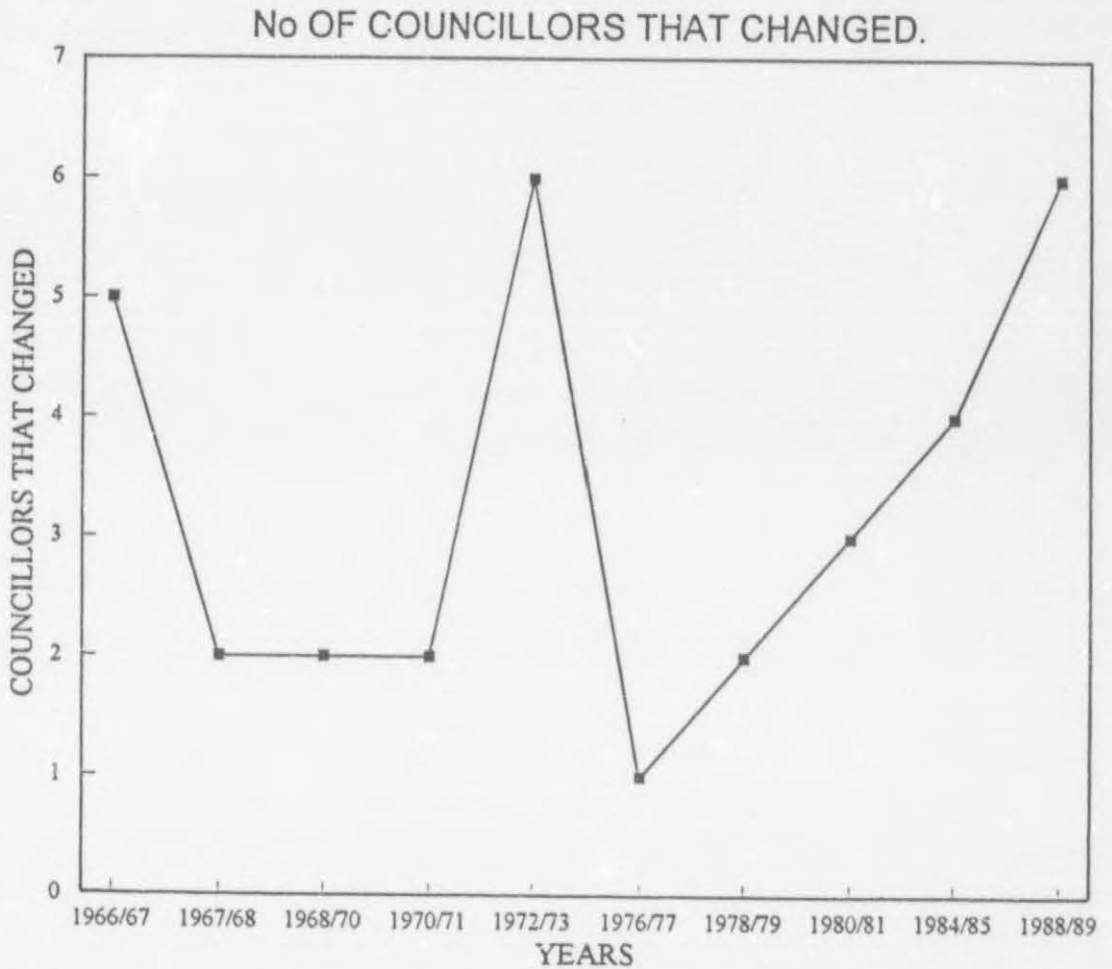
4. COMPOSITION OF THE TOWN COUNCIL

The Town Council of Somerset West comprised a total of eight councillors over the period in question. The incumbents of the Council did not change often and/or drastically enough so as to attribute this factor to the numerous committee systems adopted by the Municipality over the period.

The population of Somerset West increased from 8 364 in 1960 to 28 747 in 1992, i.e. a population growth of 343,7%.

The changes in the composition of the Council from 1966/67 are shown on Table 1:

TABLE 1.



The changes were due to general elections and to the vacancies which occurred.

The "drastic" changes (when half or more of the total number of councillors changed) to the composition of the Town Council came about in 1966/67, 1972/73, 1984/85 and 1988/89, whilst the period during which frequent changes to the committee systems were made was from May 1965 to

September 1970 during which period a new system was adopted on no fewer than six occasions.

On the other hand during the period of "relative stability" as regards the committee systems, that is from 1972 to date, the composition of the Council changed drastically on three occasions, that is 50 percent or more new councillors.

It could be argued that incumbency creates knowledge and the need for change. This notion, however, does not apply to the Somerset West scenario.

5. DELEGATIONS TO PRINCIPAL OFFICERS

The Town Council of Somerset West approved delegations to its principal officers (see Annexure "B") at its meeting held on 30 August 1993. The delegations give wide ranging powers to the principal officers. The delegations in Annexure "B" are categorised in alphabetical order under the various activities and functions that are executed by the municipality.

It should be noted that under the column headed "Gedelegeerde/s" (Delegatee/s) the word "Stadsklerk" (Town Clerk) appears next to each item along with the designated principal officers to whom the function has been delegated. The reason for this is due to the fact that, in terms of Section 60 of the **Municipal Ordinance, 1974**, the town clerk is designated as Chief Executive and Administrative Officer and as such is ultimately accountable for the activities of a municipality.

6. HEADS OF DEPARTMENT CORPORATE MANAGEMENT TEAM

In the past the town clerk and principal officers of Somerset West used to meet on a regular, albeit on an informal basis to *inter alia* discuss problem areas which had been identified and matters affecting more than one department. However, with time it became apparent that this

'group of officials' had a very important role to play in the organisation. These meetings often led to policy proposals being formulated, remedies being found for various problems or weaknesses in the organisation and, most important, a corporate approach developed to deal with issues.

At its meeting held on 30 August 1993 the Town Council of Somerset West formally recognised the Corporate Management Team and approved the terms of reference and functional procedure thereof. The Team comprises the Town Clerk, Town Engineer, Town Electrical Engineer, Town Secretary, Town Treasurer, Chief : Parks and Recreation and Chief : Personnel Services. The terms of reference of the Heads of Department Corporate Management Team is set out in Annexure "C".

7. EVALUATION OF NORMATIVE GUIDELINES FOR COMMITTEES

Interviews with the town clerk, a serving councillor and an ex councillor confirmed that the following factors played a role in the changes to the committee system of the Somerset West Municipality during the period researched:

- a lack of confidence or trust amongst the councillors and between the councillors and principal officers;
- the lack of delegations to committees and to principal officers and of terms of reference for the committees, and
- to a lesser extent, the changes to the incumbents of the Council and changing "external" circumstances, such as the development and growth of the town, demands/needs of the inhabitants and political factors.

7.1 Terms of Reference

The committees of the Somerset West Town Council have no terms of reference. However, prior to the decision of the Council taken on 27 July 1992 to abolish the General Purposes Committee, the task of submitting items to the correct committee/s was easier due to the functional naming of the four committees, namely, Finance, Staff, Works and Planning and General Purposes.

As stated previously in this chapter the current practice is to submit all the items dealt with by the former General Purposes Committee to the Finance Committee, many of which have no financial bearing or implication.

7.2 Size and Number of Committees

The committees of the Council generally comprised between four and five members from 1962/63 to 1984/85. In 1984 there was a general election and four new members were elected to the Council. Since 1985 to date all councillors serve on all the committees. The reason given for this step is the lack of confidence and trust amongst the councillors which often led to non-members of a committee opening debate or questioning the recommendations of the committees, i.e. of which they were not members, at the council meetings. It is understood that over the 22 year period when the committees operated with four or five members such problems were not experienced.

The average number of committees used by the Council over the period in question is four, which is not excessive considering the size of the area of jurisdiction of the Somerset West Town Council.

7.3 Delegations

The need for delegations to committees and to officials was recognised in 1962 when the Council appointed a sub-committee to carry out an investigation in this regard. The question of delegation was again addressed in a motion to the Council on 14 September 1966 when the Council decided to revert back to the Multiple Committee System. In a motion which served before the Council on 24 June 1970, when it was decided to hold two council meetings per month the need for delegations to officials to dispose of "routine matters" was stressed.

8. SUMMARY

Over the past thirty years the Town Council of Somerset West made use of various committee systems and at times functioned without committees.

Some of the committee systems were in force for less than six months whilst the Multiple Committee System has been in use for a number of years, subject to periodic adjustments.

Due to the extent and frequency of the changes made to committee systems by the Somerset West Town Council and the fact that the system in place at present does not function satisfactorily, an empirical analysis of the committee systems used by other local authorities in the Cape Province was carried out, the findings of which are dealt with in the following chapter.

CHAPTER 6

ANALYSIS OF THE COMMITTEE SYSTEMS OF LOCAL AUTHORITIES
IN THE CAPE PROVINCE

1. INTRODUCTION

An analysis of the committee systems of a selection of local authorities in the Cape Province, excluding the local authorities established in terms of the **Black Local Authorities Act, 1982** (Act 102 of 1982), was carried out with the view to establishing a trend of the committee systems used by the local authorities in the various grades.

This chapter therefore primarily deals with the findings of the study which was undertaken by way of a questionnaire.

2. METHODOLOGY

Local authorities in South Africa are graded from one (smallest) to fifteen (largest), of which there are three, namely Cape Town, Durban and Johannesburg.

Thirteen factors (twelve services and one income) are used to grade local authorities, to which a weight is allocated according to the importance of the service to determine the grade in which the local authorities must be classified.

The factors and weights in percentages are:

Factor	% Weight
Income	25
Erven	15
Water meters	10
Water purification	5
Electricity meters	12
Sewerage points	10
Sewage purification	5

Roads	7
Housing	3
Fire services	2
Ambulance services	1
Library books	2
Trading licences	3

The questionnaire was sent out to all the local authorities in the Cape Province from grades five to fifteen, excluding the black local authorities. The questionnaire to which 76% of the local authorities responded is set out in Annexure "D".

For the purposes of this study all local authorities in grades five to fifteen were included. Local authorities in grades one to four were excluded because of the difference in size between these grades and the Somerset West Town Council which is graded nine. The local authorities in the research area were grouped in three categories, namely grades five and six, seven to nine and ten to fifteen. These categories bear relation to certain criteria such as the number of councillors, the use of the ward system, powers delegated to local authorities by the Administrator and requirements regarding the appointment of town clerks in terms of the provisions of the **Profession of Town Clerks Act, 1988**.

A schedule depicting the details obtained from the returned questionnaires is set out in Annexure "E".

The research findings will be elaborated on in the groups in which the local authorities were placed for the purpose of this study.

3. RESEARCH FINDINGS

In the following sub-sections the committee systems in use, the committee systems abolished or changed, amalgamation

with management committees, delegations and terms of reference and heads of department corporate management team of the local authorities in the three categories will be dealt with.

3.1 Local Authorities Grades Five and Six

Twenty nine (67%) out of a total of forty three grade five and six local authorities in the Cape Province responded to the questionnaire (see Figure 5 on p. 104).

The average number of councillors serving on the councils of the local authorities in these grades is six, i.e. excluding management committee^(*) members who have become councillors due to the council and the management committee "amalgamating" in terms of the provisions of Section 8 of the Interim Measures for Local Government Act, 1991 (Act 128 of 1991). The salaried staff complement varies between 20 and 89 in these local authorities.

3.1.1 Committee Systems in Use

Of the twenty nine local authorities which responded twenty (69%) make use of the Multiple Committee System, five (18%) of the Portfolio System, one (3%) of the Management Committee System and three (10%) do not make use of committees (see Figure 6 on p. 105).

Four (14%) of the respondents utilise a committee system plus hold two council meetings per month, two (7%) of the local authorities hold two council meetings per month and do not make use of a committee system whilst one (3%) local

(*) These management committees were instituted for the Coloured and Indian population groups residing in "group areas" within the jurisdiction of local authorities in terms of the provisions of the Cape Province Local Authorities (Development according to Community) Ordinance, 1963 (Ordinance 6 of 1963) and regulations promulgated in terms thereof. In this instance Management Committee does therefore not refer to those dealt with in Sub-section 4.5.2 of Chapter 3.

Figure 5.
RESPONSE TO QUESTIONNAIRE

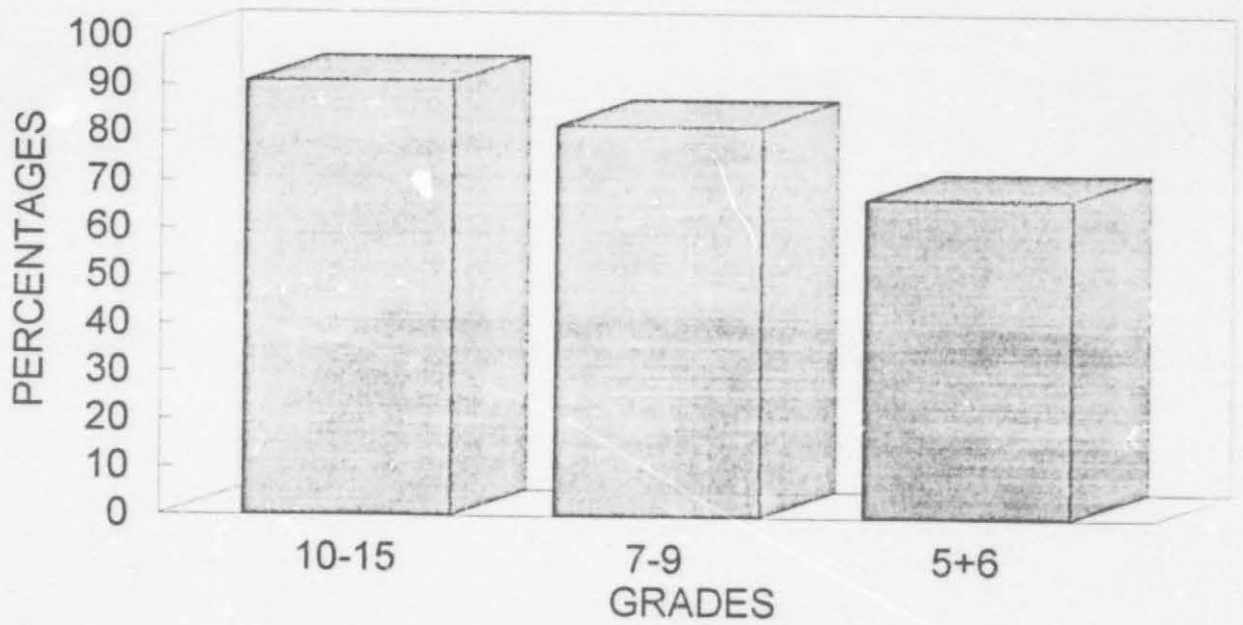
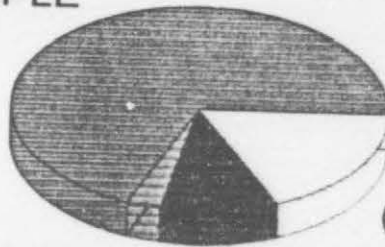


Figure 6.

COMMITTEE SYSTEMS GRADES 5 AND 6 (29 RESPONDENTS)

(69.0%) MULTIPLE



(18.0%) PORTFOLIO

(3.0%) MANCOM

(10.0%) NO CTTEE SYSTEM

MANCOM = MANAGEMENT COMMITTEE SYSTEM
NO CTTEE SYSTEM = NO COMMITTEES

authority holds one council meeting per month and does not use a committee system.

In seventeen (85%) of the twenty local authorities which adopted the Multiple Committee System, councillors serve on more than one committee. In two (12%) of these seventeen local authorities all councillors serve on all the committees.

The number of committees used by the local authorities varies from one to seven, the average being between two and three (see Figure 7 on p. 108) whilst the average number of councillors serving on a committee is between three and four (see Figure 8 on p. 109).

3.1.2 Committee Systems Abolished or Changed

Seven (24%) of the local authorities indicated that their committee system has either been abolished or changed over the past five years (see Figure 9 on p. 110). The reasons given are similar to those set out under sub-section 3.2.2 of this chapter.

3.1.3 Amalgamation with Management Committees

Seven (24%) of the local authorities "amalgamated" with management committees in terms of Section 8 of the *Interim Measures for Local Government Act, 1991*. Six (21%) of the respondents indicated that there is close co-operation between the two bodies, for example, joint meetings are held and the management committee members have voting rights at committee meetings but not at council meetings.

According to the response received from the local authorities in question, the amalgamation did not result in the committee systems having to be adapted or changed.

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According to the response received from the local authorities in question, the amalgamation did not result in the committee systems having to be adapted or changed.

3.1.4 Delegations and Terms of Reference

Two (10%) of the twenty one local authorities who make use of committees (management or multiple committee system) have delegated powers to their committees and to the officials (town clerk and heads of department). In the remainder of the local authorities who have a committee system in place, all the decisions are taken by the council (see Figure 10 on p. 111).

3.1.5 Heads of Department Corporate Management Team (CMT)

Nineteen (66%) of the respondents indicated that the town clerk and heads of department meet on a regular basis usually before a committee or council meeting to discuss the items appearing on the agenda.

The "management team" is, however, not formally recognised by the councils in question. In other words, there is no terms of reference and functional procedure which the management teams follow.

3.2 Local Authorities Grades Seven to Nine

Twenty eight (82%) out of a total of thirty four grade seven, eight and nine local authorities in the Cape Province responded to the questionnaire (see Figure 5 on p. 104).

The average number of councillors on the councils of the local authorities in these grades is eight, excluding past management committee members (see footnote on p. 103) and the salaried staff complement varies from 60 to 282.

3.2.1 Committee Systems in Use

Fourteen (50%) of the twenty eight respondents make use of the Multiple Committee System, five (18%) of the Portfolio

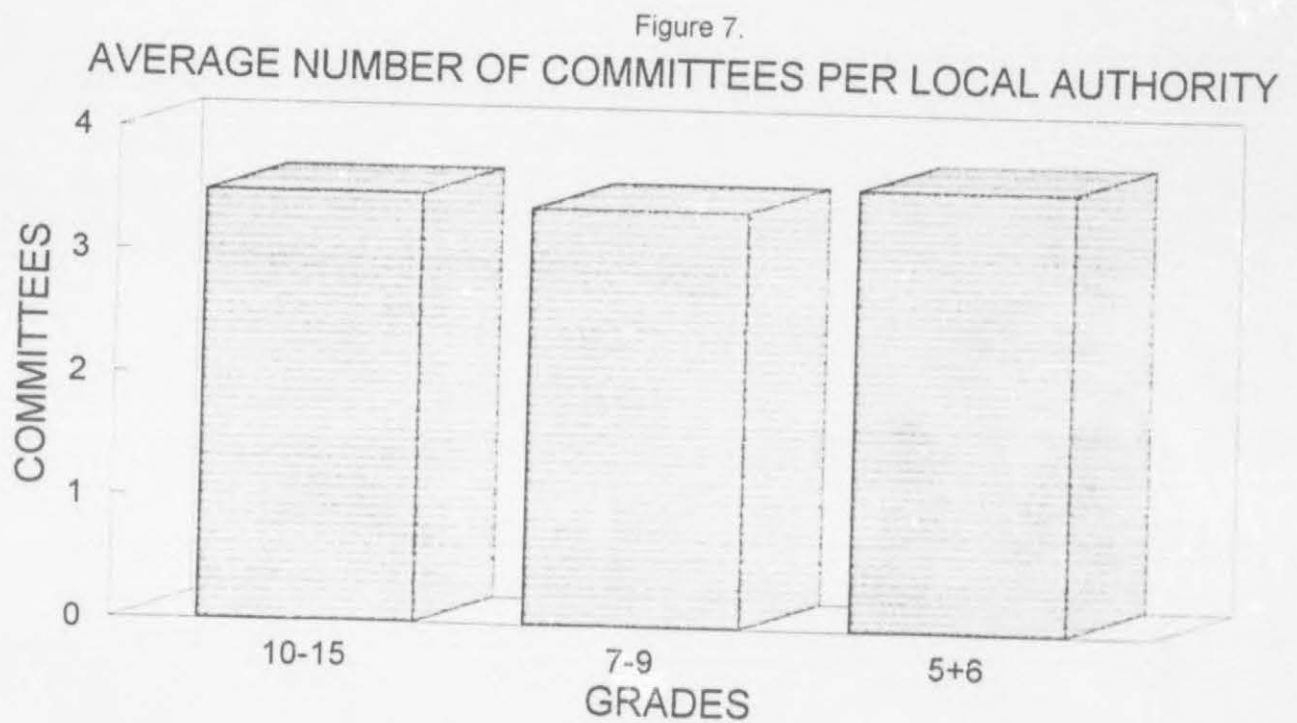


Figure 8.

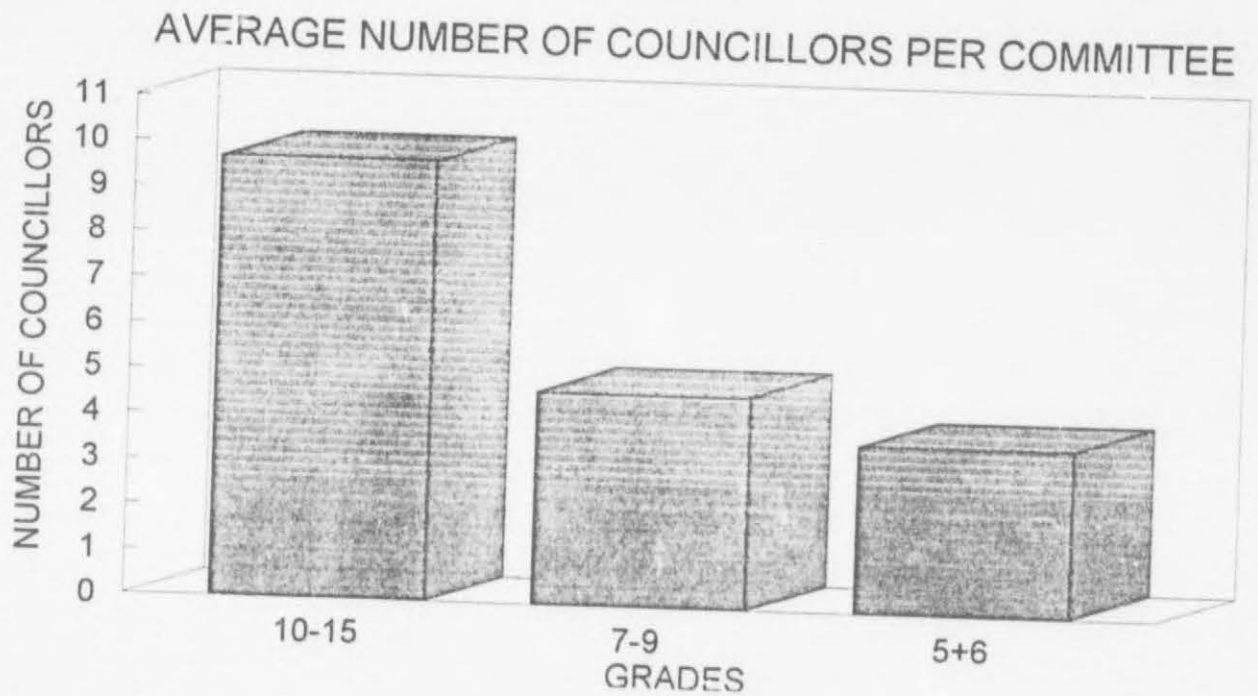
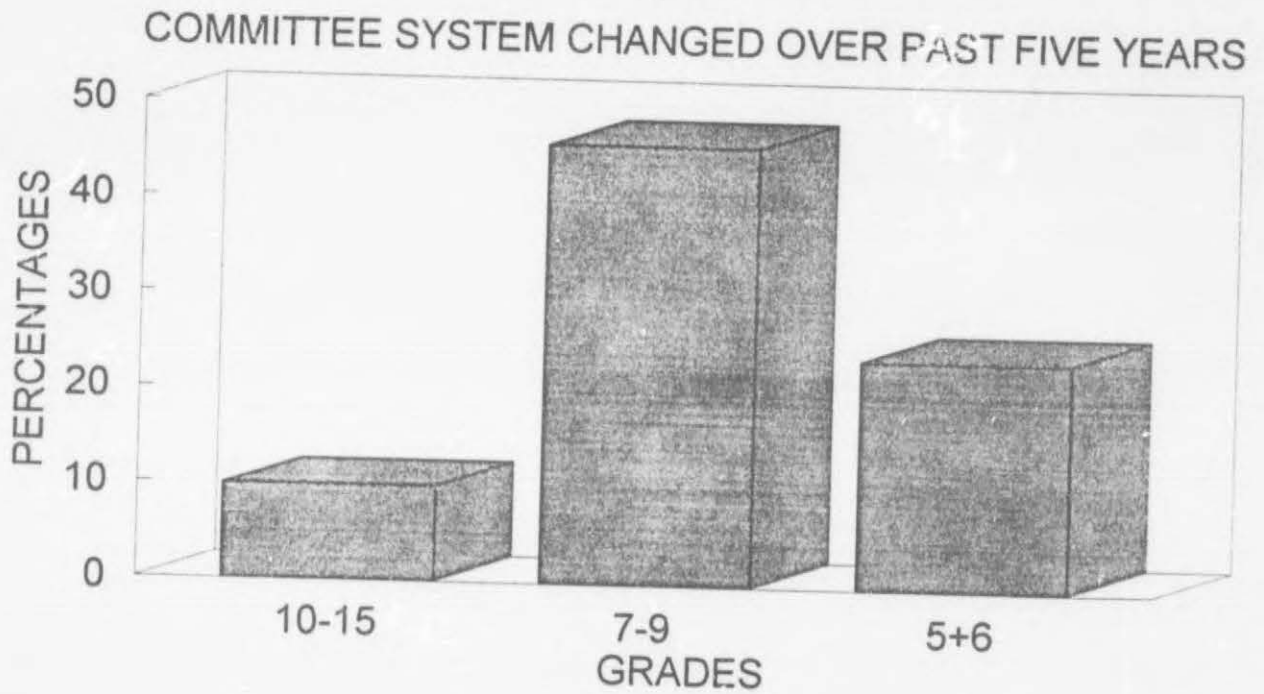
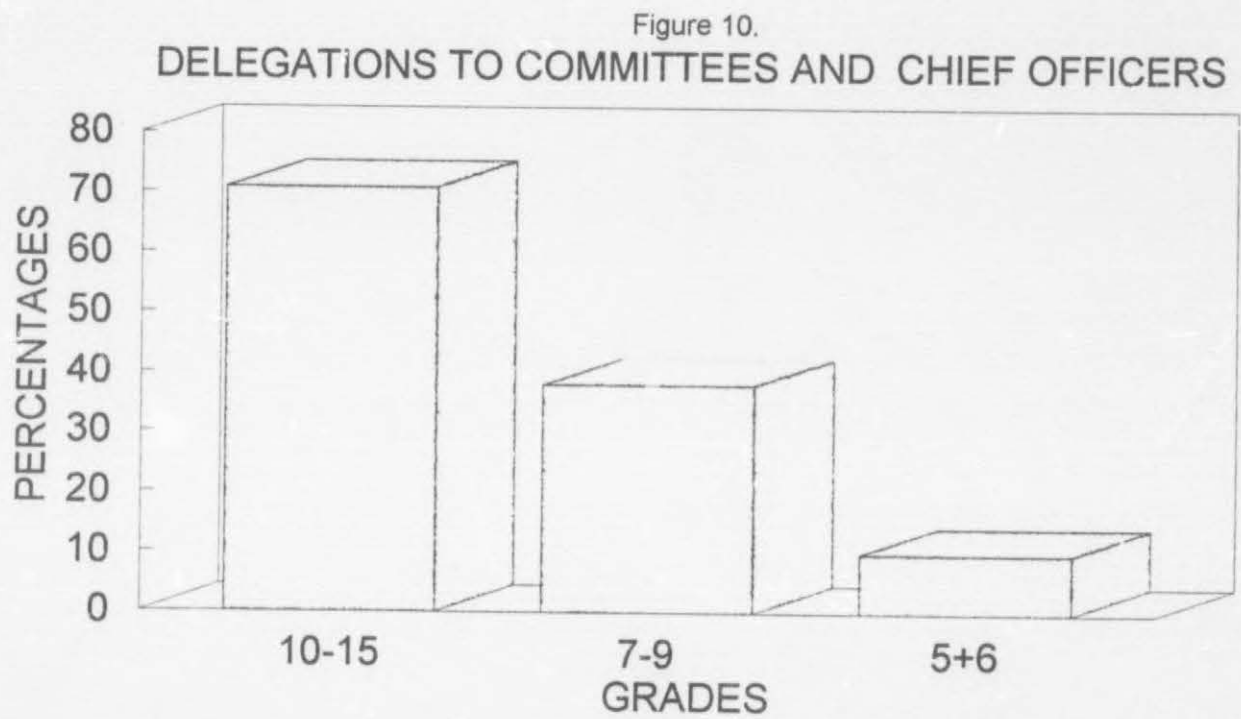


Figure 9.





System and two (7%) of the Management Committee System whilst seven (25%) have no committees (see Figure 11 on p. 113).

Three (11%) authorities hold two council meetings per month and use a committee system, five (18%) hold two or more council meetings per month and do not have a committee system in place whilst two (7%) of the local authorities do not make use of a committee system and their councils only meet once per month.

In twelve (86%) of the fourteen local authorities which use the Multiple Committee System, councillors serve on more than one committee. In four (33%) of these twelve local authorities all the councillors serve on all the committees.

The number of committees used by the local authorities varies from one to ten, the average being between three and four (see Figure 7 on p. 108) whilst the average number of councillors serving on a committee is between four and five (see Figure 8 on p. 109).

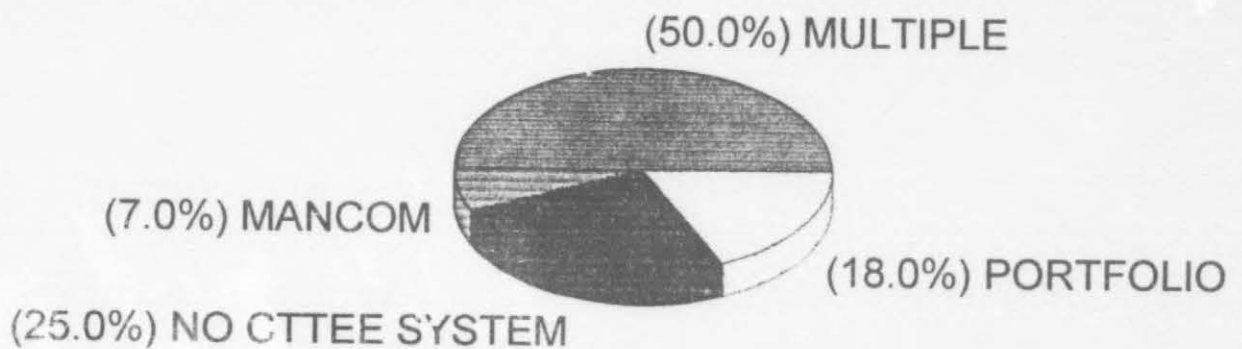
3.2.2 Committee Systems Abolished or Changed

Thirteen (46%) of the respondents indicated that their committee systems have been changed or abolished over the past five years for various reasons, such as to speed-up the decision-making process, to eliminate duplication and clumsiness, to reduce costs and to improve co-ordination, efficiency and productivity (see Figure 9 on p. 110).

Three (23%) of the thirteen local authorities changed their committee structure over this period by making changes to the number of their committees by means of a combination or separation of functions.

Figure 11.

COMMITTEE SYSTEMS GRADES 7 TO 9 (28 RESPONDENTS)



MANCOM = MANAGEMENT COMMITTEE SYSTEM
NO CTTEE SYSTEM = NO COMMITTEES

3.2.3 Amalgamation with Management Committees

Three (11%) of the local authorities in this category of respondents indicated that their respective councils amalgamated with the management committees(*) in their areas of jurisdiction in terms of the provisions of the **Interim Measures for Local Government Act, 1991**, whilst seven (25%) indicated that there is either close co-operation or the process of amalgamation is under way.

According to the respondents the amalgamation did not bring about any changes to the committee systems.

3.2.4 Delegations and Terms of Reference

The completed questionnaires showed that six (38%) of the sixteen local authorities in this category who make use of the management or multiple committee system have delegated powers to their respective committees and officials (see Figure 10 on p. 111).

3.2.5 Heads of Department Corporate Management Team (CMT)

Twenty five (89%) of the twenty eight local authorities indicated that the town clerk and heads of department meet on a regular basis to consider the following:

- items due to appear on the agenda of committees and/or the council;
- problem areas which have been identified;
- formulation and review of policy for council's consideration;

(*) See explanatory note in footnote on p. 103

- co-ordination of the activities or functions of departments;
- monitoring management objectives, and
- matters effecting or involving more than one department.

According to the returned questionnaires only one council has formally recognised its heads of department corporate management team.

3.3

Local Authorities Grades Ten to Fifteen

Ten (91%) of the eleven local authorities in this category completed the questionnaire (see Figure 5 on p. 104).

The number of councillors serving on the councils of these local authorities varies between ten and thirty four and the salaried staff complement varies considerably, namely from 261 to 7750.

It should be noted that the City of Cape Town is one of the local authorities who completed the questionnaire and that, in terms of the provisions of the **Municipality of Cape Town Administration Ordinance, 1965**, it is compelled to appoint an executive committee and four standing committees.

3.3.1

Committee Systems in Use

Six (60%) of the local authorities who responded apply the Multiple Committee System, one (10%) the Portfolio System, one (10%) the Executive Committee System, namely Cape Town and two (20%) do not make use of committees (see Figure 12 on p. 117).

Two (20%) of the local authorities have committee systems in place and hold two council meetings per month, one (10%) holds two or more council meetings per month and does not make use of any committee system whilst one (10%) local authority holds a council meeting every three weeks and does not have a committee system.

In three (50%) of the six local authorities with a Multiple Committee System all the councillors serve on all committees.

The number of committees used by local authorities in this category varies from one to six, the average being between three and four (see Figure 7 on p. 108) whilst the average number of councillors serving on a committee is between nine and ten (see Figure 8 on p. 109).

3.3.2 Committee Systems Abolished or Changed

Over the past five years one (10%) local authority in this category has abolished the Multiple Committee System and instead holds two council meetings per month whilst another is contemplating a change from the Multiple Committee System to a Portfolio System with two council meetings per month (see Figure 9 on p. 110).

One local authority has decreased the number of committees by combining the functions of committees.

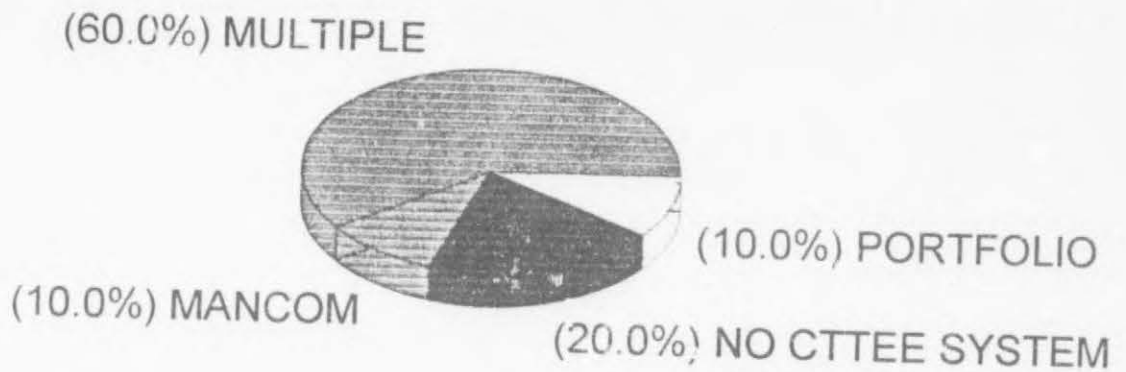
3.3.3 Amalgamation with Management Committees

Three (30%) of the local authorities have amalgamated their councils with the management committees^(*) in their area of jurisdiction in terms of Section 8 of the Interim Measures for Local Government Act, 1991. The council of one local authority holds joint meetings with the management committee, whose members participate in deliberations but have no vote.

^(*) See explanatory note in footnote on p. 103

Figure 12.

COMMITTEE SYSTEMS GRADES 10 TO 15 (10 RESPONDENTS)



MANCOM = MANAGEMENT COMMITTEE SYSTEM
NO CTTEE SYSTEM = NO COMMITTEES

According to the respondents this amalgamation did not bring about any changes to the committee system.

3.3.4 Delegations and Terms of Reference

According to the replies received five (71%) of the seven local authorities who make use of the management or multiple committee system have delegated powers to their respective committees and officials (see Figure 10 on p. 111).

3.3.5 Heads of Department Corporate Management Team (CMT)

Nine (90%) of the ten respondent local authorities in grades ten to fifteen indicated that their heads of department corporate management team meets on a regular basis to consider and make recommendations to the council on a variety of issues as well as to dispose of the items delegated to the team by the council.

The returned questionnaires reveal that five (56%) of the total of nine corporate management teams have been recognised by their respective councils.

4. EVALUATION OF RESEARCH FINDINGS

The results of the questionnaire survey with respect to the utilisation of committees, committee systems abolished or changed, amalgamation with management committees, delegations and the heads of department corporate management team will be evaluated in the following sub-sections.

4.1 Committee Systems

The study revealed that the majority of those local authorities in the Cape Province questioned used the Multiple Committee System, namely 69% (grades five and six), 50% (grades seven to nine) and 60% (grades ten to fifteen). (See Annexure "E").

It is interesting to note that twenty six (90%) of grade five and six local authorities make use of one or other committee system (multiple, management and portfolio). With regard to the local authorities graded seven to nine it was found that two "extremes" exist in that on the one hand two of the local authorities do not make use of any committee system and hold only one council meeting per month whilst on the other hand one local authority holds a council meeting every week with no committee system.

It should be mentioned that six (11%) of local authorities in the two categories comprising local authorities grades five to nine have established an Action Committee ("Dagbestuur") comprising three to four councillors, usually the mayor, deputy mayor and the councillor/s responsible for the particular portfolio or the chairperson of the relevant standing committee, to consider and dispose of urgent business. The decision of the Action Committee is then ratified at the next meeting of the council.

It is significant that the Executive or Management Committee System which is compulsory in the Transvaal, Orange Free State and Cape Town does not find favour with municipal councils in the Cape Province although these latter councils are in a position, according to present legislation, to apply such a system. The aforementioned is verified by the fact that only three (5%) of the sixty six local authorities who responded (Cape Town excluded) make use of the Management Committee System.

4.2

Committee Systems Abolished or Changed

The study revealed that a substantial number of local authorities have either abolished or changed their committee systems over the past five years, namely eight (28%) (grades five and six), thirteen (46%) (grades seven to nine) and two (20%) (grades ten to fifteen).

4.3 Amalgamation with Management Committees

An interesting aspect is that the respondents indicated that their committee systems did not change as a result of amalgamation with the management committees instituted for the Coloured and Indian population groups residing in "group areas" within the jurisdiction of local authorities in terms of the provisions of the Cape Province Local Authorities (Development according to Community) Ordinance, 1963 (Ordinance 6 of 1963) and regulations promulgated in terms thereof.

4.4 Delegations

The response to the questionnaire revealed that of the local authorities who make use of the Management or Multiple Committee System 10% of those in grades five and six, 38% in grades seven to nine and 71% in grades ten to fifteen have delegated powers to their respective committees and officials. It can therefore be deduced that as local authorities expand or grow and consequently the demands on the functions and services which have to be provided become more complex and diverse, the need to delegate becomes necessary.

4.5 Corporate Management Team

The existence of a Corporate Management Team comprising the town clerk and heads of department is clear from the questionnaire. A total of fifty three (79%) local authorities indicated the existence of such a corporate team. In the two categories of the bigger local authorities (grades seven to fifteen) a total of thirty four (89%) have a Corporate Management Team. It was, however, also established that the Corporate Management Team has been formally recognised by the council in only six (11%) of these local authorities.

5. EVALUATION OF NORMATIVE GUIDELINES FOR COMMITTEES

The findings of the study revealed the following pertaining to the normative guidelines identified for an effective committee system.

5.1 Size and Number of Committees

It was found that in two (10%) of the twenty local authorities in grade five and six, four (29%) of the fourteen in grades seven to nine and three (50%) of the six in grades ten to fifteen which make use of a Multiple Committee System, all the councillors serve on all the committees.

The questionnaire revealed that a majority (78%) of local authorities to have responded make use of the Multiple Committee System where the committees comprise of two thirds or less of the total number of councillors. The average number of councillors serving on committees varies between three and four, four and five and nine and ten in grades five and six, seven to nine and ten to fifteen respectively (see Figure 8 on p. 109).

The study also revealed that one (13%) of the eight, three (23%) of the thirteen and one (50%) of the two local authorities in grades five and six, seven to nine and ten to fifteen respectively to have "changed" their committee structure over the past five years have reduced the number of committees.

5.2 Delegations and Terms of Reference

As local authorities expand or grow the demands on the functions, facilities and services which have to be provided become more complex and diverse with the result that the need to frame clear terms of reference for committees and to delegate powers to committees and officials increases.

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In this connection the study revealed that 10%, 38% and 71% of the local authorities who make use of committees in grades five and six, seven to nine and ten to fifteen respectively delegated powers to their committees and officials (see Annexure "E").

In response to the question pertaining to improvements to the existing committee systems a majority in the two categories comprising local authorities grades five to nine indicated that their committee system could be improved by the delegation of power to committees and officials.

6.

SUMMARY

The study revealed that a majority of the local authorities in the Cape Province included in the questionnaire survey make use of committees, that the Multiple Committee System is in operation in a majority of local authorities and that the delegation of powers to committees and principal officers increases with the size of the local authorities.

Flowing from the findings of the study and taking cognisance of the fact that the Somerset West Town Council made numerous *ad hoc* changes to its committee systems over the thirty years, a proposed committee system for Somerset West Municipality will be dealt with in the ensuing chapter.

CHAPTER 7

PROPOSED COMMITTEE SYSTEM FOR SOMERSET WEST

1. INTRODUCTION

In this chapter the following will be discussed, namely:

- the committee system proposed including the composition and size, terms of reference, functions and delegations to the respective committees;
- delegations to principal officers, and
- evaluation of the normative guidelines for committees.

2. PROPOSED COMMITTEE SYSTEM

It is recommended that a Multiple Committee System, in an adapted and amended form, be retained by the Somerset West Municipality.

It is proposed that two committees be formed by the Somerset West Town Council, namely a **Resources Committee** and a **Works and Planning Committee**.

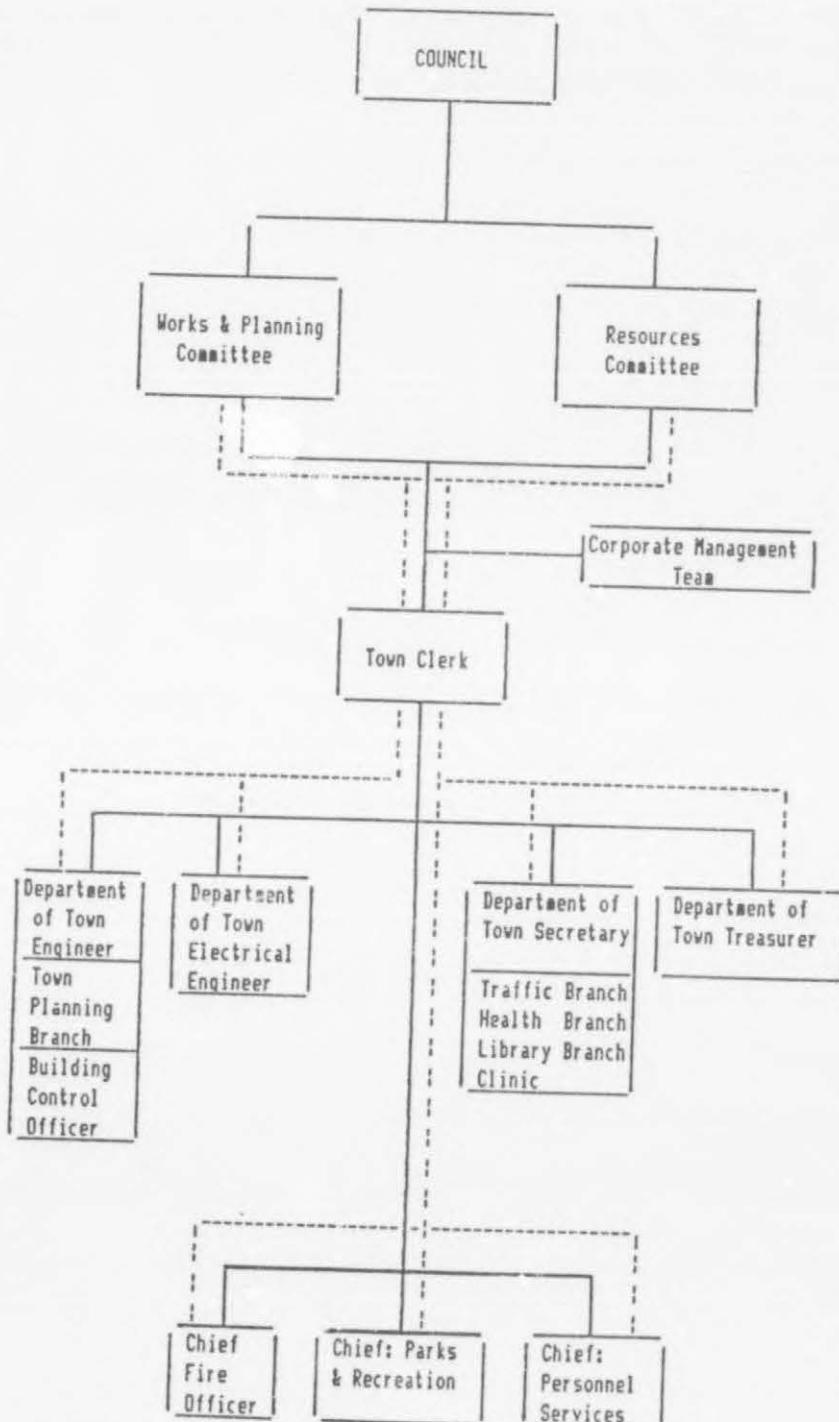
A diagram of the organisational structure of the Somerset West Municipality with the proposed committee system is depicted in Figure 13 (see p. 124).

The functions of the Town Clerk and Heads of department, namely the Town Secretary, Town Treasurer, Town Electrical Engineer, Town Engineer, Chief: Parks and Recreation and Chief: Personnel Services are set out in Annexure "F".

The functions of the Town Clerk and Heads of department appear in the Policy Manual of the Municipality of Somerset West, which document was approved by the Town Council on 28 June 1993.

FIGURE 13

ORGANISATIONAL STRUCTURE OF SOMERSET WEST



— line of command

----- line of reporting and advice

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The following principles should be imposed pertaining to the functioning of the committees, namely:

- all councillors (excluding the mayor) should serve on at least one committee;
- agendas for the meetings of the committees should be circulated to all councillors at least three days prior to such meetings, and
- non-members of a committee may, with the permission or by invitation of the relevant chairperson, attend the meeting of the other committee for a specific item/s appearing on the agenda; the mayor (*ex officio*) and non-members have no voting rights.

The following amendments to the committee system are proposed:

- the scrapping of the "Executive" (Dagbestuur);
- the scrapping of the Town Planning Sub-committee;
- the retention of the Works and Planning Committee in a revised form;
- the grouping of the Finance, General Purposes and Staff functions/portfolios, to be allocated to the Resources Committee.

3. RESOURCES COMMITTEE

The composition and size, terms of reference, functions and delegations to the Resources Committee will be addressed in the following sub-sections.

3.1 Composition and Size

The composition and size proposed for the Resources Committee is as follows:

- the committee shall comprise five members with the mayor serving in an ex officio capacity;
- the quorum of the committee shall be four, and
- the committee shall meet at least once a month on the day/s determined by the Council.

3.2 Terms of Reference

The terms of reference proposed for the Resources Committee are, namely:

- the committee shall deal with finance, general purposes and staff matters and the agenda shall accordingly be divided into these three sections;
- the committee shall supervise, investigate and consider all finance, general purposes and staff matters and report and make recommendations thereon to the council, and
- the committee shall take final decisions on those matters within its terms of reference which the Council has delegated to it.

3.3 Functions

The following functions are proposed for the Resources Committee, namely to:

- be responsible for all health services and the discharge of functions and duties vested in or devolving on the Council in terms of the Public Health

Act, 1977, as amended and to administer the Businesses Act, 1991 (Act 71 of 1991);

- be responsible for housing and the administration of housing schemes; to deal with all matters relating to parks and recreation and related amenities, such as the Helderberg Nature Reserve, the Dick Dent Bird Sanctuary and the proposed Lourens River Protected Natural Environment; the control of the cemetery, library, fire brigade, traffic department and all matters incidental thereto;
- be responsible for all land matters, for example, the expropriation, purchase, hire, sale and lease of property for whatever purposes required as well as the valuation of municipal property;
- have control of and to be responsible for all legal actions on behalf of the Council other than prosecutions of a routine nature;
- advise the Council on appropriate legislation and its promotion as well as on matters such as rules of order, standing orders and the terms of reference of committees;
- consider applications from councillors for exemption from the provisions of Section 30(3A) (1) of the **Municipal Ordinance, 1974** (conducting business for or on behalf of the Council);
- be responsible for the compilation of the Voters' Roll and the delimitation of Wards;
- deal with matters relating to Civil Defence;
- consider and make recommendations on matters not falling within the terms of reference of the Works and Planning Committee;

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- consider matters falling within the terms of reference of the Works and Planning Committee which are submitted to it by the Town Clerk as a matter of urgency with the concurrence of the chairperson of the committee;
- consider any particular item or any matter of policy referred to the Resources Committee by the Works and Planning Committee or the Town Clerk;
- deal with policy, long-term planning and budgeting of the Council and to:
 - formulate proposals on priorities and policy objectives over the whole range of the Council's activities and make recommendations to the Council;
 - advise the Council on the overall management, allocation and control of financial, staff and land resources;
 - lay down policy guidelines in respect of services, programmes and plans to provide the broad framework for councillors and officials concerned with the preparation of priorities, policy objectives and long range plans;
 - review the effectiveness of the Council's policies and the standards and levels of services provided;
 - prepare and submit annually to the Council:
 - a forward capital programme covering a minimum period of three years;
 - an income and expenditure budget, indicating in particular the implementation of any changed policies, together with recommendations for the ultimate financing of the budget;

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- advise the Council on any additional financial matters such as the fixing of charges and fees or tariffs, investment of funds, loan redemption and renewal funds, pension and provident funds, financial regulations and assessment of rates;
- consider all reports involving expenditure not provided for in the Budget;
- deal with the Financial Statements and Audit reports;
- consider and make recommendations on matters relating to staff policy including general conditions of service and the recruitment, utilisation and development of staff, and
- advise the Council on policy regarding the appointment of heads, deputy heads and branch heads, i.e. post levels one to three and confirmation of their appointments.

3.4

Delegations

It is recommended that the Council delegates the following to the Resources Committee, namely to:

- authorise the acquisition, hire, alienation and lease of immovable property rights and the settlement of the purchase or selling price, rental and compensation payable in terms of the Council's policy and applicable legislation subject to the compliance with the directives issued in terms of that legislation by the Administrator or Minister, provided that no objections are received in response to any notice calling for objections to the proposed sale or lease of immovable property rights;

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- except as otherwise provided, have charge of the town hall, municipal offices, land and buildings belonging to the Council;
- superintend the compilation of the Municipal Voters' Roll and approve the constitution of a revision court and the date for the revision of the voters roll;
- control the compilation of the Valuation Roll and to arrange for the attendance at the Valuation Court on behalf of the Council, and allied matters;
- exercise the powers delegated to the Works and Planning Committee when considering matters which, but for their urgency, would have been submitted to the Committee;
- authorise delegates to attend conferences in terms of the Council's Policy pertaining to the attendance of congresses;
- determine on all applications for the use of the Municipal Coat of Arms;
- accept tenders, pertaining to all departments, which value exceeds the amount determined by the Administrator from time to time in terms of Section 172(1)(a)(ii) of the **Municipal Ordinance, 1974**;
- approve the naming of buildings, public open spaces, parks, trails and the like;
- provide for measures for the promotion of the health, personal as well as environment, and to that end to provide for the rendering of health services; to define the duties, powers and responsibilities of the health personnel in terms of the **Public Health Act, 1977**, including all by-laws promulgated thereunder;

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- administer and enforce the provisions of the **Businesses Act, 1991**, where objections have been received in terms of Section 2(4)(b) of that Act;
- discharge on behalf of the Council under authority hereby conferred in terms of Section 37(2) of the **Slums Act, 1979**, as amended, the functions and duties vesting in or devolving upon the Council under the Act;
- exercise on behalf of the Council all powers conferred upon it by the regulations/by-laws relating to parks, gardens, open spaces, public places, the Helderberg Nature Reserve and the proposed Lourens River Protected Natural Environment;
- approve the development of open spaces within the amount provided on the approved budget;
- authorise the erection and/or removal of traffic lights and to establish or disestablish one-way streets and toll parking areas;
- approve adjustments to electricity, gas and water accounts;
- superintend the administration of the Insurance Fund and the application of the **Workmen's Compensation Act, 1941 (Act 30 of 1941)**, as amended;
- approve of the use of fees collected by means of a parking meter, or in respect of any special parking place, for purposes other than that stipulated in Section 88(8) of the **Road Traffic Act, 1989 (Act 29 of 1989)**, as amended;
- grant or refuse applications for grants-in-aid provided the amount set aside on the Budget for this purpose is not exceeded;

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- control the accounting and costing work of all departments and the determination of the manner in which such work shall be carried out;
- investigate any shortage in funds or other property of or under the control of the Council through alleged fraud or theft; to write off the value of such loss, to decide whether or not any negligence in respect thereof can be attributed to Municipal staff and to report the action taken to the Auditor-General;
- approve expenditure not exceeding R20 000 per item, for which no provision has been made on the Operating Budget, in case of urgency, unforeseen circumstances or where the Council may be under a legal obligation to incur such expenditure;
- determine, after obtaining a report from the Corporate Management Team, the level of expenditure prior to the preparation of the draft Capital and Operating Budgets;
- approve additions to the Capital Budget provided the additional capital expenditure involved will not affect the Operating Budget;
- approve the suspension of a right to pay rates by instalments for a period exceeding three years;
- determine the order of priority for the expenditure of funds provided for the implementation of structure plans;
- authorise the retention of officials over the retirement age in all posts excluding heads, deputy heads and branch heads, i.e. post levels one to three;
- approve of those staff matters which fall within the jurisdiction of the Industrial Council;

- approve study loans administered by the Council, subject to the conditions laid down by the Council's Study Grant Scheme.

4. WORKS AND PLANNING COMMITTEE

The composition and size, terms of reference, functions and delegations to the Works and Planning Committee will be dealt with in the following sub-sections.

4.1 Composition and Size

The composition and size proposed for the Works and Planning Committee is as follows:

- the committee shall comprise four councillors with the mayor serving in an *ex officio* capacity;
- the quorum of the committee shall be three, and
- the committee shall meet twice a month on the day/s determined by the Council.

4.2 Terms of Reference

The terms of reference proposed for the Works and Planning Committee are, namely:

- the committee shall deal with town planning and technical/works matters and the agenda shall accordingly be divided into these two sections;
- the committee shall supervise, investigate and consider all town planning and technical matters and report and make recommendations thereon to the Council, and
- the committee shall take final decisions on those matters within its terms of reference which have been delegated to it by the Council.

4.3

Functions

The functions proposed for the Works and Planning Committee are to:

- administer and enforce the provisions of the **Land Use Planning Ordinance, 1985** (Ordinance 15 of 1985), and the Council's Zoning Scheme Regulations;
- administer the **National Building Regulations and Building Standards Act, 1977** (Act 103 of 1977), as amended;
- consider plans in connection with the subdivision of estates, erection of buildings, hoardings, balconies, verandas and other attachments to buildings;
- control and supervise all matters affecting the civil engineering infrastructure with particular reference to roads, storm water drainage, sewerage and water services;
- control and abate nuisances relating to the cleanliness of the town and the safety of persons in or about public streets and places;
- be responsible for the general administration of all facets of the Municipal Electricity Undertaking as licensed by the Electricity Control Board under permit and the provisions of the **Electricity Act, 1987** (Act 44 of 1987), as amended and the regulations framed thereunder, and
- control and supervise the activities of the Town Engineer's and Town Electrical Engineer's Departments.

4.4 Delegations

It is recommended that the Council delegates the following to the Works and Planning Committee, namely to:

- exercise for and on behalf of the Council all powers conferred upon the Council by the following sections of the **Land Use Planning Ordinance, 1985**:
 - 15 - applications for departure from the zoning scheme;
 - 17 - in respect of the rezoning of single erven where the town planner has recommended in favour of such rezoning and no objections have been received;
 - 25 - granting or refusing of applications for the subdivision of land;
 - 27 - confirmation of subdivision of land;
 - 29 - establishment of Home Owners' Association;
 - 30 - amendment or cancellation of plans of subdivision;
 - 31 - registration of and building upon land units;
 - 40 - rectification of contraventions;
 - 41 - right of entry, and
 - 42 - imposition of conditions;
- administer and enforce the provisions of the **National Building Regulations and Building Standards Act, 1977**, as amended;

- dispose of applications for Special Consent for the use of property other than in accordance with the Zoning Scheme, provided no objections have been received;
- determine the utilisation of land in terms of Section 14(2) of the **Land Use Planning Ordinance, 1985**;
- determine amounts payable by property owners in terms of the Zoning Scheme as a result of the under-provision of parking spaces;
- dispose of applications for the relaxation of the height restriction of street boundary walls to a maximum of 2,1m in cases where objections have been received;
- approve the naming and re-naming of streets;
- authorise the closure of public places and roads in terms of Section 137 of the **Municipal Ordinance, 1974**, incidental to a land transaction and to permit the closed public place or road to re-vest in the title of the original owner, provided no objections to the closure have been received;
- approve the lay-out of on-street and public off-street parking areas;
- control the construction of sewers, the collection, removal and disposal of all sewage and the maintenance and cleaning of all sewers;
- authorise street improvements and street widening and the construction of consequential storm water drainage, including:
 - the construction of residential roads according to a programme of priorities approved by the Committee, and

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- the construction of side walks,

provided provision has been made therefore in the Council's budget for the particular financial year.

5. DELEGATIONS TO PRINCIPAL OFFICERS

As stated (see Chapter 5, Section 5) the delegations to principal officers had to be updated to bring it in accordance with the current legislation in this regard. The amendments proposed are set out in Annexure "G".

The delegations to the principal officers are not in conflict with the delegations proposed for the Resources and Works and Planning Committees and bear relation to the functional division of the two committees.

6. EVALUATION OF NORMATIVE GUIDELINES FOR COMMITTEES

The normative guidelines identified for an effective committee system have been addressed in the proposed committee system for the Somerset West Municipality as follows:

6.1 Terms of Reference

The *modus operandi* and functions, duties and powers proposed for the committees have been formulated so that there should not be any confusion pertaining to the responsibilities of the committees.

6.2 Number and Size of Committees

It is proposed to reduce the number of committees from five, namely Finance, Works and Planning, Staff, "Executive" and the Town Planning Sub-committee to two, namely the Resources and Works and Planning Committees.

With regard to the number of councillors serving on the proposed committees it is recommended that four councillors serve on the Works and Planning Committee and five on the Resources Committee. In the present system all the councillors serve on the Finance, Works and Planning and Staff Committees.

6.3 Delegations

Wide ranging delegated powers are recommended to be entrusted to the Works and Planning and Resources Committees and the principal officers.

7. SUMMARY

The committee system in Somerset West has one cardinal weakness which is that the Town Council over the thirty years under review has not delegated any of its powers to the committees.

In order to improve the foregoing situation two committees are proposed, namely the Works and Planning Committee and the Resources Committee, with comprehensive delegated powers.

In proposing the meetings of the committees and the Council, cognisance was taken of the administrative resources and the number of occasions per month that councillors would be required to attend meetings. By recommending that one meeting be held per week in the following sequence, namely Works and Planning Committee (first week of the month), Resources Committee (second week of the month), Works and Planning Committee (third week of the month) and the Council (fourth week of the month), the administrative resources will not be exhausted and some councillors will be required to attend only one more meeting per month than at present.

The recommended committee system and procedure will not require any major adjustment or re-alignment to the Multiple Committee System presently in place at the Somerset West Municipality. The changes which have to be effected in order to eliminate the weaknesses of the present system are the:

- scrapping of the Town Planning Sub-committee and so-called "Executive" (Dagbestuur);
- grouping of the finance, general purposes and staff functions or portfolios;
- reduction of the number of councillors serving on the committees, and the
- approval of the proposed functions of and delegated powers to the Works and Planning and the Resources Committees.

The main objectives of the proposed committee system for the Somerset West Municipality is to speed up the decision-making process and for the councillors to concentrate their efforts on more substantive issues, such as the formulation, adoption and supervision of policy.

CHAPTER 8

GENERAL SUMMARY

Municipal councils have over the years come to accept the fact that they cannot dispose of all the activities or business in an efficient manner at council meetings. The Somerset West Municipality on two occasions, namely in 1968 and 1970 scrapped committees and decided to hold two council meetings instead with the view to speed up the decision-making process. On both occasions it was decided, within a few months to revert back to a committee system in that the objective was not attained.

A more effective manner for councils to go about their business is to appoint committees comprising a smaller group of councillors with specific knowledge and interest in certain issues to investigate and report to the council on aspects of local government.

Municipal councils initially appointed committees to advise and make recommendations to the parent body on certain aspects of local government. However, as the activities of local authorities increased and became more complex and diverse municipal councils realised that they cannot effectively take final decisions on all the aspects. It is for this reason that the councils started to delegate powers to committees to carry out some of their duties and functions. Provision is also made in the various provincial ordinances for councils to delegate powers to committees.

It is important for a committee to be given a clear terms of reference and, as far as possible to comprise members who are best qualified and suited for the purpose. Furthermore the practice of appointing or electing too many committees should be strongly guarded against as this leads to a lack of co-ordination between the various committees, is time consuming and cost inefficient and hampers the decision-making process. This was one of the findings of the commissions of enquiry discussed in Chapter 4. Similar or related activities should be grouped and dealt with by one committee.

All the committees and commissions of enquiry, namely Maud, Bains, Marais, Van Zyl, Eksteen and Slater who advocated the establishment of the executive or management committee system found that the:

- councils delegated very little or none of their powers to the committees or principal officers, and
- councils appointed too many committees and the committees comprised too many members, in numerous instances the entire council.

Flowing from the foregoing the commissions of enquiry in South Africa came to the conclusion that the flexible Multiple Committee System should be abolished and replaced by a single management committee comprising a maximum of five members. The commissions of enquiry further recommended that there should be extensive delegation of authority to the management committee and by it to the town clerk and heads of department. The question that arises is that if the commissions of enquiry recommended that provision be made in the relevant legislation to remedy the ailments of the Multiple Committee System at the time, i.e. to restrict the number of committees and to encourage delegation, would it still have been necessary to take the drastic step to abolish the Multiple Committee System.

Each committee system has its advantages and disadvantages. No system is perfect. The following elements are required for a successful committee system:

- the system should be flexible and it should be able to be adapted and refined to meet the demands and needs of a particular situation;
- the participants, namely the councillors and officers should be prepared and willing to make the system work;

- the participants should be able to identify any shortcomings in the system and implement the necessary remedial measures;
- the system should be evaluated and, if necessary revised on a regular basis to meet the changing demands and needs, and
- there must be mutual respect and trust between the participants in the system.

The normative guidelines which the writer identified for an effective committee system, namely number and size of committees, terms of reference and delegations, have been evaluated in the previous chapters.

It is a generally accepted principle that committees comprise a smaller number of members of a council and that the number of committees should be restricted. The number and size of committees is by and large dictated by the size of a council.

It is also imperative that committees are given clear terms of reference defining the matters which are within its sphere of competence to consider, make recommendations or decide upon.

Delegation of power to committees and to principal officers is essential in order for the council to spread the workload and in so doing be able to fulfil its policy-making role.

Committees without any delegations can only advise or make recommendations to Council and they therefore fulfil an advisory role. Apart from the powers which councils in terms of legislation are not permitted to delegate, such as the approval of the budget, levying of rates and the making of by-laws or regulations, the range of powers delegated to committees and principal officers varies from council to council. This can to some extent be ascribed to the degree of confidence, respect or trust amongst the councillors and between the councillors and principal officers.

The research of the records of the meetings of the Municipality of Somerset West revealed that the Multiple Committee System was in operation for relatively long periods at a time, namely from 1960 to 1965, 1968 to 1970 and 1980 to date, in comparison to all the other systems which were embarked upon. This serves as an indication that the system is acceptable and suitable.

The empirical analysis of the committee systems of a section of local authorities in the Cape Province revealed that a majority make use of the Multiple Committee System. In fact, only three of the sixty six local authorities (from grades five to fifteen) to have responded to the questionnaire made use of the Management Committee System (Cape Town excluded).

Taking cognisance of the foregoing, the findings and recommendations of the Hopewell Committee of Enquiry, the normative guidelines for an effective committee system and the flexibility of the Multiple Committee System, it was decided to recommend that the Multiple Committee System in an adapted form be retained by the Municipality of Somerset West.

The recommended committee system and procedure does not require any major adjustment or re-alignment to the Multiple Committee System presently in place at the Somerset West Municipality. The changes which have to be effected in order to eliminate the weaknesses of the present system are the:

- scrapping of the Town Planning Sub-committee and the so-called "Executive" (Dagbestuur);
- grouping of the finance, general purposes and staff functions, to be allocated to the Resources Committee;
- reduction of the number of councillors serving on the committees;

- approval of the proposed terms of reference, duties and functions of and delegated powers to the Works and Planning and the Resources Committee, and
- approval of the meeting procedure/sequence of the two committees and the council.

The Multiple Committee System can be successful provided the participants are willing to make it work and are able to identify any shortcomings that occur and swiftly implement the necessary remedial measures. It is furthermore imperative that the number of committees are restricted and that councils provide committees with a clear terms of reference and delegate powers to the committees and the principal officers which in turn will speed up the decision-making process.

The Multiple Committee System is not a perfect system. The system is, however, flexible and it can therefore be readily adjusted to meet changing circumstances.

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TOWN COUNCIL OF SOMERSET WEST

SECTION A

POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

WHEREAS the Council, at its meeting held on the 8th April 1965 abolished as from the 1st May 1965 its system of multi-committees sitting in joint session and established in place thereof an Executive Committee, the composition of which is more fully set out in Section D hereof, and,

WHEREAS the said Executive Committee is lawfully established in terms of Section 57 of Ordinance No. 19 of 1951, and,

WHEREAS the Council by virtue of the provisions of Section 57(1)(c) of the said Ordinance may delegate either absolutely or conditionally to such Committee any enquiry or power to do any act on behalf of the Council,

NOW THEREFORE the Council, by virtue of a resolution adopted this 28th day of April 1965 delegates to the Executive Committee subject to the provisions of Section B hereof all of its powers under any Statute, Ordinance or Regulation which it may legally delegate and any act performed by the Executive Committee within the framework of such delegated powers shall be deemed to be acts of the Council subject to the following provisions: -

- (i) that the meeting of the Executive Committee be properly convened in terms of the provisions of the Rules of Order of the Council and Section 59 of Ordinance No. 19 of 1951.
- (ii) that the requisite quorum of three Councillor members be always present at any meeting.
- (iii) that the decision of the Executive Committee be unanimous, failing which the matter under consideration shall be referred to the Council for consideration and disposal.
- (iv) that the Executive Committee acts within the framework of the existing policies of the Council laid down by resolution of the Council from time to time.
- (v) that the Executive Committee, in matters involving expenditure, incur such expenditure within the amounts set aside annually in the approved Estimates of Revenue and Capital Expenditure.

SECTION B

Notwithstanding the general powers delegated to the Executive Committee under Section A above, the following powers are hereby retained by the Council: -

- (i) the appointment of Municipal Bankers, Legal Advisors, consultants and other professional appointments.

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- (ii) Grading Schemes and Conditions of Service.
- (iii) the appointment and dismissal of Heads of Department as well as Deputy Heads of Department.
- (iv) the fixing of Rates and tariffs.
- (v) the approval of Estimates of Revenue and Capital Expenditure and Excess Votes as well as the levying of Rates and Taxes.
- (vi) the appointment of Council's representatives on public bodies or delegates to conferences or congresses.
- (vii) the reviewing and rescinding or amending of resolutions of the Council.

SECTION C DUTIES OF THE EXECUTIVE COMMITTEE

1. Notwithstanding the fact that the Council has delegated to the Executive Committee the authority to deal with any matter, it will be competent for the Executive Committee to refer any such matter, with its recommendation, to the Council.
2. Subject to the provisions of the law and the Council's Rules or Order, the Executive Committee shall regulate the procedure at its meetings and may, in consultation with the Town Clerk, determine the time and dates of its meetings.
3. No meeting of the Executive Committee shall be held unless the Town Clerk or his duly authorised representative is present both for the purpose of advising the Executive Committee and for the purpose of recording the proceedings at such meetings; provided that, should the Executive Committee wish to discuss any matter in private and so resolves to do so, the Town Clerk or his duly authorised representative shall leave the meeting pro-tem provided further that the Executive Committee shall have, by resolution duly taken in the presence of the Town Clerk or his duly authorised representative, elected one of its members to be responsible for the compilation of the record of the decisions whilst in private session.
4. The record of the decisions of the Executive Committee sitting in private session and any decision taken shall be signed by the Chairman of the Executive Committee as a true record prior to its submission to the Town Clerk or his duly authorised representative for inclusion in the records of the proceedings of the Executive Committee which, in terms of the law and provisions of Article 5 of Section C hereof, must be submitted to the Council at its statutory ordinary monthly meeting.

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5. In terms of the provisions of the law, the Executive Committee shall meet at least once a calendar month and shall submit the Minutes in the form of a report to the Council at its statutory ordinary monthly meeting.
6. Notwithstanding the provisions of any of these Terms of Reference, the Council may at any time invoke the provisions of Section 57(1)(d), (e) and (f) of Ordinance No. 19. of 1951.

SECTION D

COMPOSITION OF THE EXECUTIVE COMMITTEE OFFICE BEARERS : COUNCIL RESOLUTION DATED 8TH APRIL 1965

1. COMPOSITION

The Executive Committee shall consist of 5 (five) members of the Council excluding the Mayor subject to the provisions of Article 3 of this Section D who may attend in his ex-officio capacity.

2. CHAIRMAN AND DEPUTY CHAIRMAN

At its first meeting and thereafter at its first meeting after the Statutory meeting of the Council held in September each year, the members of the Executive Committee shall appoint Councillors from amongst its members to be Chairman and Deputy Chairman of the Executive Committee.

3. VOTING RIGHTS

Members of the Executive Committee including the Chairman shall be entitled to exercise one vote only. Where an act in respect of a delegated power would have required a special resolution of the Council all five members of the Executive Committee shall be required to be present at the meeting at which the matter is to be acted upon and the decision so to act shall be unanimously decided upon and be so recorded.

The Mayor shall not have a vote.

4. QUORUM

Subject to the provisions of Section D.3 above, the quorum shall be three members of the Executive Committee excluding the Mayor.

5. FUNCTIONS OF MEMBERS OF THE EXECUTIVE COMMITTEE

It shall be competent for the Executive Committee, by way of a unanimous resolution, to place one or more Municipal Departments under the portfolio of a member of the Executive Committee.

6. Unless specifically authorised to so act by means of an unanimous resolution of the Executive Committee, no member of the Executive Committee shall, directly or indirectly, usurp the powers and duties of a Head of Department falling under the control of such members of the Executive Committee. A member of the Executive Committee having a portfolio of a Municipal Department shall primarily be the link between the Head of Department and the Executive Committee.
7. ATTENDANCE OF COUNCILLORS WHO ARE NOT MEMBERS AT MEETINGS OF THE EXECUTIVE COMMITTEE

Non-members of the Executive Committee excluding the Mayor, shall not be allowed to attend meetings of the Executive Committee except by special invitation of the Chairman.

VERKLARING VAN AFKORTINGS

SS	:	Stadsekretaris
BOO	:	Boubeheerbeampte
TT	:	Stadstesourier
TE	:	Stadsingenieur
CTO	:	Hoof: Verkeersdienste
BIBL.	:	Bibliotekaresse
TEE	:	Elektrotegniese Stadsingenieur
CHI	:	Hoof: Gesondheidsdienste
CPR	:	Hoof: Parke en Rekreasie
TEP	:	Stadsbeplanner
PB	:	Personeelbestuurder
CFO	:	Brandweerhoof

A.1

ADVERTENSIES EN ADVERTENSIE TEKENS

- | | | |
|-----|--|----------------------------|
| 1.1 | Om alle bevoegdhede van die Raad in verband met die <u>beheer van</u> (a) <u>luidsprekers</u> en (b) <u>tydelike advertensietekens</u> uit te oefen. | Stadsklerk
S S |
| 1.2 | Om die aanbieding van advertensieruimte met die doel om die dorp te adverteer, te aanvaar of te weier en om ooreenkomste vir hierdie doel in werking te stel en aan te gaan binne die toewysings in die toepaslike poste van die begroting. | Stadsklerk |
| 1.3 | Om die <u>vertoon van advertensies</u> te beheer, en vir advertensietekens op geboue, mure, heinings, en pale af te handel ingevolge die betrokke regulasies, soos gewysig van tyd tot tyd; om bevele uit te reik vir die verwydering of uitwissing van ongemagtigde tekens. | Stadsklerk
B C O |
| 1.4 | Om die <u>oprigting</u> goed te keur <u>van aanwysigingstekens</u> op straatpale ten opsigte van nie-kommersiële liggame soos kerke en inrigtings, waar, sodanige tekens redelik geag word in die openbare belang. | Stadsklerk
S S
C T O |
| 1.5 | Om die vertoon van reklameborde vir die verkoop van wonings en aansoeke t.o.v. alle plakkaat, strooibiljette te administreer. | Stadsklerk
S S
C T O |

B.1

BEHUISING

- | | | |
|-----|--|--------------------------|
| 1.1 | Om die <u>dien van kennisgewings op huurders</u> te magtig vir verbreking van enige voorwaarde uitgesluit wanbetaling van huurgelde van die ooreenkoms van huur ten opsigte van die Raad se behuisingskemas, en om die instelling van uitsettingsprosedures in ander gevalle waar sodanige kennisgewing verontagsaam word, goed te keur. | Stadsklerk
S S
T T |
| 1.2 | Om alle <u>aansoeke</u> om verlof vir die <u>installeer van telefone</u> in huise in die Raad se behuisingskemas af te handel. | Stadsklerk
S S |

GEDELGEERDE/S

- | | | |
|-----|---|-----------------------------------|
| 1.3 | Om die Slumswet, nr 20 van 1974 en die Wet op die Voorkoming van Onregmatige Plakkery, Wet nr 52 van 1951, soos van tyd tot tyd gewysig, te administreer. | Stadsklerk
S S
T T
C H I |
| 1.4 | Om met aansoeke te handel vir die opheffing van die verkoopsreg aan die Raad toegeken ingevolge Artikel 56 van die Behuisingswet, nr 4 van 1966, soos van tyd tot tyd gewysig en vir die goedkeuring van die vervanging van leners en verbandgewers, kragtens Artikel 53 (5) van die Behuisingswet, nr 4 van 1966, soos van tyd tot tyd gewysig, ten opsigte van die verkoop van huise deur die Raad opgerig, of by wyse van plaaslike bestuur-behuisingslenings. | Stadsklerk
S S |
| 1.5 | Om aansoeke af te handel vir goedkeuring ingevolge Artikel 85 van die Behuisingswet, nr 4 van 1966, soos van tyd tot tyd gewysig, om huise en sekere ander geboue te sloop en/of vir ander dan woondoeleindes aan te wend. | Stadsklerk
B C O |
| 1.6 | Om die sloping van strukture in besit van die Raad en waarvoor die nodige magtiging reeds verkry is (par. 1.7), te reël. | Stadsklerk
T E |

GEDELEGEERDE/S

- | | | |
|------|--|---|
| 1.7 | Om al die nodige stappe te doen in verband met die invordering van huurgelde vir huise in die behuisingkemas van die Raad, insluitende die dien van kennis op huurders ten opsigte van agterstallige huurgelde en vir die uitsetting van sodanige huurders wanneer dit nodig blyk te wees. | Stadsklerk
T T na oorleg met
Stadsklerk |
| 1.8 | Om huurgelde van eiendomme in behuisingkemas te bereken ingevolge die Behuisingwet, onderhewig aan die goedkeuring van die Nasionale Behuising-kommissie. | Stadsklerk
T T |
| 1.9 | Die toekenning van wonings in die Raad se behuisingkema, asook wonings aan amptenare. | Stadsklerk
PB |
| 1.10 | Om sodanige stappe te doen wat nodig mag blyk teen onbevredigende huurders van eiendomme in die Raad se <u>behuisingkema</u> . | Stadsklerk
T T |

B.2

BELASTINGS

- | | | |
|-----|---|-------------------|
| 2.1 | Om die betalings van bedrae gelykstaande aan die pro rata gedeelte van belastinge verskuldig op grond of geboue goed te keur vanaf die datum van transport van sodanige grond of geboue aan die Raad, of vanaf die datum van besitname daarvan deur die Raad, wat ook al die vroegste is. | Stadsklerk
T T |
| 2.2 | Om alle eise vir vrystelling van belasting wat ingevolge Munisipale Ordonnansie nr 20 van 1974 toelaatbaar is, te hanteer en om vrystelling van belastinge in hierdie verband goed te keur. | Stadsklerk
T T |

GEDELEGEERDE/S

B.3

BEURSE

- 3.1 Om, onderhewig aan voorwaardes deur die Raad bepaal, alle aangeleenthede betreffende studiebeurse en studielenings wat deur die Raad geadministreer of toegeken word, af te handel in ooreenstemming met die beleid van die Raad.

Stadsklerk
T T
P B

B.4

BIBLIOTEKE

- 4.1 Om munisipale biblioteke te beheer kragtens die betrokke wetgewing, Provinsiale en Raadsbeleid.

Stadsklerk
Bibl.

B.5

BOME

- 5.1 Om alle aansoeke vir die verwydering van bome binne straatgrense af te handel volgens die beleid van die Raad.

Stadsklerk
C P R

B.6

BOUBEHEER

- 6.1 Om die bouregulasies van die Raad te administreer en om te handel met alle planne in verband met die oprigting van geboue, advertensieskerms, balkonne, verandas en ander byvoegings tot geboue, insluitende:

Stadsklerk
T E
T E P
B C O

- (i) die goedkeuring van planne wat aan genoemde regulasies voldoen;
- (ii) die goedkeuring van planne vir die uitleg van parkeerfasiliteite;
- (iii) die sloping van geboue wat nie bewoon is nie;
- (iv) die afkeuring van strukture wat strydig is met die beleid van die Raad;
- (v) die afkeuring van planne waar die ontwerp 'n gebruik strydig met die stadsbeplanning sou bevorder;
- (vi) om aansoeke vir die uitreiking of herwinning van loodgieters-, dreinleërs- of dreineringskontra-teurs lisensies af te handel;

6.2 Om onderhewig aan statutêre vereistes die volgende aangeleenthede af te handel;

- (a) Bouwerk ten opsigte van geboue wat die statutêre wydte van geproklameerde hoofpaaie oorskry of wat binne 'n verbeterings- of padverbredingslyn deur die dorpsaanlegskema vir oop ruimte gereserveer is, onderhewig aan 'n onderneming in elke geval dat geen kompensasië geëis sal word vir die nuwe werk wanneer die eiendom deur die Raad bekom word nie.
- (b) Herstelwerk, veranderings aan en toevoegings tot die volgende strukture wat padverbeteringslyne of oop ruimtes oorskry of wat nie aan die bepaalde boulyne voldoen nie.
- (i) skeidingsmure, stoeprandmure en ander vrystaande mure;
- (ii) heininge, relings, balkonpilare, priële en soortgelyke strukture, en
- (iii) petrolpompe, petroltenks en soortgelyke oorskrydings.
- (c) Bouplanne vir verandering aan afwykende geboue ten einde aan gesondheids- en ander noodsaaklike vereistes te voldoen.

Stadsklerk
T E
T E P
B C O

Stadsklerk
T E
T E P
C P R
B C O

Stadsklerk
C H I
B C O

GEDELEGEERDE/S

- | | | |
|-----|---|---------------------|
| 6.3 | Om goedkeuring te verleen tot redelike verlenging van tyd om aan die vereistes van die regulasies met boubeskermer, te voldoen. | Stadsklerk
B C O |
| 6.4 | Om die verordeninge insake die toekenning van nommers aan huise en die vassit daarvan toe te pas. | Stadsklerk
B C O |

7. BRANDWEER

- | | | |
|-----|--|---------------------|
| 7.1 | Om die munisipale brandweer te beheer ingevolge die magtigings verleen kragtens die Ordonnansie op Brandweerdienste, nr 14 van 1978. | Stadsklerk
C F O |
| 7.2 | Om brandweerooreenkomste deur die Raad aangegaan ten opsigte van brandbeskerming buite die munisipale gebied toe te pas. | Stadsklerk
C F O |
| 7.3 | Om waar dit redelik skyn te wees, rekeninge vir dienste van die Brandweer af te skryf in gevalle waar die betrokke persoon nie in die vermoë is om te betaal nie, of sonder enige klaarblykbare of voldoende onderhoudsmiddels skyn te wees, en ten opsigte van weldadigheidsinrigtings en sportliggame. | Stadsklerk
T T |

- B.8 BURGERLIKE BESKERMING:
- 8.1 Om as Hoof van Burgerlike Beskerming al die bevoegd-
hede, ingevolge die Ordonnansie op Burgerlike Be-
skerming, nr 8 van 1977, soos gewysig, en ander
toepaslike wetgewing uit te oefen. Stads klerk
CFO
- D.1 DIENSTE EN DIENSWERKE:
- 1.1 Om met alle sake te handel betreffende die konstruksie,
onderhoud, en skoonmaak van strate, reservoirs,
hoofwaterpype, riole, dreineringspype en waterlope,
die wegdoen van rioolstowwe en stormwater, die ver-
sameling en wegdoen van alle afval en nagvuil. Stads klerk
T E
C H I
- 1.2 Om die verordeninge betreffende die verwydering van
vullis te administreer. Stads klerk
C H I
- 1.3 Om die bepalinge van die Munisipale Ordonnansie, nr
20 van 1974, of enige wysiging daarvan, sowel as
verordeninge betreffende private en gesamentlike
riole en slote, te administreer. Stads klerk
T E
- 1.4 Om die oprigting van en verskuiwing van straatligte
te magtig. Stads klerk
T E E
- 1.5 Om die reg van weg en servitute vir elektrisiteits-
en poskantoorkabels wat in strate gelê moet word. Stads klerk
T E E
- 1.6 Om alle magte uit te oefen wat aan die Raad toegesê
is kragtens die Munisipale Ordonnansie, nr 20 van
1974, en kragtens die Raad se regulasies betreffende
die toevoer van water en aanverwante sake, behalwe
die in van gelde wat die Raad toekom; om hoof-
waterpype te lê; om alle uitbreidings daaraan te
onderneem; om bestaande hoofwaterpype te herlê en
gebarste pype te herstel. Stads klerk
T E

D.2	<u>DORPE C DONNANSIE:</u>	
2.1	Om verantwoordelik te wees vir die algemene administrasie van die Grondgebruiksordonnansie nr. 15 van 1985.	Stadsklerk T E P
E.1	1.1 <u>ELEKTRISITEIT</u>	
	Om verantwoordelik te wees vir die toepassing van alle wette en regulasies betreffende die verkryging, verspreiding en voorsiening van elektrisiteit binne en buite die Raad se voorsieningsgebied.	Stadsklerk T E E
F.1	<u>FINANSIES:</u>	
1.1	Om beheer uit te oefen en om verantwoordelik te wees vir die geldelike sake van die dorp en aanbevelings te maak in dié verband.	Stadsklerk T T
1.2	Behoudens andersluidende bepalings, om aanbevelings te maak ten opsigte van tariewe en gelde waar geen tariewe en gelde bestaan nie, of waar sulke tariewe en gelde hersien en/of gewysig moet word.	Stadsklerk T T
1.3	Om die betaling van gelde vir opvoeringsregte aan die SA Vereniging van Komponiste, Skrywers en Musiekuitgewers te magtig volgens die lisensie wat die gelde bepaal, sowel as die ooreenkoms tussen die Raad en dié Vereniging.	Stadsklerk T T
1.4	Om, onderhewig aan die bepalings van die Ordonnansie op Belegging van Fondse, nr 23 van 1935 en die Administrateur se goedkeuring, waar sodanige goedkeuring vereis word, 'n beleggings- en depositorekening te reguleer en om namens die Raad alle onderhandelings in verband daarmee te onderneem en af te handel.	Stadsklerk T T
1.5	Om die werking van alle reserwe- en hernuwingsfondse, die Gekonsolideerde Kapitaalontwikkeling- en Leningsfonds en trustfonds te reguleer.	Stadsklerk T T
1.6	Om enige tekort in fondse of ander eiendom van of onder beheer van die Raad as gevolg van beweerde bedrog of diefstal te ondersoek; om verslag te doen aan die Komitee vir Geldsake en Algemene Doeleindes en die Provinsiale Ouditeur oor die stappe wat gedoen is.	Stadsklerk T T
1.7	Om 'n besluit te neem oor elke aansoek vir die oordrag van enige bedrag geld uit besparings van een pos na 'n ander pos in die lopende kapitaalbegroting.	Stadsklerk T T

- | | | |
|------|---|---|
| 1.8 | Om die invordering van gelde aan die Raad verskuldig te administreer, en indien nodig, wettlike stappe in te stel tot op die stadium waar besittings onder hofbevel verkoop moet word. (Insluitend). | Stadsklerk
T T |
| 1.9 | Om in gevalle waar daar vergeefs pogings aangewend is om gelde betaalbaar aan die Raad te in, sodanige gelde as oninbaar af te skrywe, op voorwaarde dat volledige skedules van bedrae aldus afgeskrywe, met redes, periodiek aan die Raad voorgelê en behoorlik genotuleer word. | Stadsklerk
T T |
| 1.10 | Om goedkeuring te verleen dat uitgediende items afgeskrywe word. | Stadsklerk
en betrokke
hoofde van
departemente |
| 1.11 | Om met uitgediende goedere kragtens betrokke verordeninge te handel. | Stadsklerk
S S
T T |
| 1.12 | Om regstellings goed te keur ten opsigte van voorrade en verliese waar geen nalatigheid of identifiseerbare diefstal betrokke is nie, op voorwaarde dat gunstige verslae deur die hoof van die betrokke departement in alle gevalle ingebring is. | Stadsklerk
T T |
| 1.13 | Behoudens andersluidende bepalings om finansiële beheer oor alle voorrade uit te oefen. | Stadsklerk
T T |
| 1.14 | Om regstellings in die Raad se belastingrekord aan te bring wat deur wysigings aan die skattingsrol deur die Direkteur van Skattings veroorsaak word, en om aansuiwerings aan belasting in hierdie verband te maak. | Stadsklerk
T T |
| 1.15 | Om verwydering van die skattingsrol as gevolg van die afbreek of vernietiging van geboue goed te keur, en om sodanige aansuiwerings te maak as wat nodig mag wees. | Stadsklerk
T T |
| 1.16 | Om betaling van enige rekenings wat wettiglik deur die Raad verskuldig is, te doen. | Stadsklerk
T T |

GEDELEGEERDE/S

- 1.17 Om lenings te reguleer en om alle onderhandelings in verband daarmee namens die Raad te onderneem, onderhewig aan bekragtiging deur die Raad of die Komitee vir Geldsake en Algemene Doeleindes van die finale reëlins vir die aangaan van lenings.

Stadsklerk
T T

G.1

GEMEENSKAPSFASILITEITE:

- 1.1 Om alle aangeleenthede betreffende munisipale geriewe en vermaaklikhede wat daarmee gepaard gaan, te reguleer.

Stadsklerk
S S
CPR

- 1.2 Om te reël vir die verhuur en kansellasië van die verhuur van alle munisipale sale, skouburge en bykomstige vertrekke, kampeerterreine, ontspannings-terreine, woonwastaaanplekke, sportfasiliteite en swembaddens, op die voorwaardes en teen die tariewe deur die Raad van tyd tot tyd bepaal; om in gevalle waar geen tarief of geld bepaal is nie, aansoeke vir geleentheidsgebruik van munisipale geriewe te hanteer en die betaling daarvoor te bepaal.

Stadsklerk
S S

G.3

GROND:

- 3.1 Behalwe waar andersins bepaal, om alle onderhandelinge namens die Raad te onderneem op sodanige basis as wat die Raad van tyd tot tyd bepaal vir goedgekeurde munisipale skemas benodig word, en om verslag daaroor aan die verantwoordelike Komitee van die Raad te doen.

Stadsklerk
S S

- | | | | |
|-----|-----|---|--------------------------|
| G.3 | 3.2 | Om die nodige stappe te doen nadat die Raad die instelling van onteieningsprosedures gemagtig het. | Stadsklerk
S S |
| | 3.3 | Om oordrag te neem waar grond gratis aan die Raad geskenk is of waar die Raad gedwing is om oordrag te neem en om die betaling van die gepaardgaande koste goed te keur. | Stadsklerk
S S |
| | 3.4 | Om die betaling van bedrae gelykstaande aan die pro rata-gedeelte van belastinge verskuldig op grond of geboue goed te keur vanaf die datum van transport van sodanige grond of geboue aan die Raad of vanaf die datum van besitname daarvan deur die Raad, wat ook al die vroegste is. | Stadsklerk
S S
T T |
| | 3.5 | Om die betaling van alle oordrag- en opmetingskoste wat deur die Raad betaalbaar is, goed te keur. | Stadsklerk
S S |
| | 3.6 | Om die terugvalklousules en ander toepaslike voorwaardes van verkoop op te stel waar die Raad grond aan godsdienstige liggare en welsynsorganisasie teen 'n nominale bedrag afstaan. | Stadsklerk
S S |
| | 3.7 | Om die betaling van rente op verkoopprys van grond en geboue goed te keur waar die Raad besit van eiendom wil neem, of reeds geneem het, voor registrasie in die naam van die Raad. | Stadsklerk
T T |
| | 3.8 | Om die nodige stappe te doen om oorskrydings op munisipale grond te beëindig of die verwydering van sodanige oorskrydings te bewerkstellig. | Stadsklerk
B C O |
| | 3.9 | Om die behoud van oorskrydings op strate of op grond onder beheer van die Raad toe te laat onderhewig aan die betaling van enige gelde volgens 'n skaal deur die Raad goedgekeur. | Stadsklerk
S S |

- | | | |
|------|---|-----------------------------------|
| 3.10 | Om voor registrasie van transport, besit van grond aan die koper af te staan onderhewig aan die koopvoorwaardes waar die verkoop reeds goedgekeur is en indien die nodige dienste aan die betrokke erf gelewer is. | Stadsklerk
S S |
| 3.11 | Om, behoudens andersluidende bepalings, namens die Raad alle onderhandelinge betreffende die verhuur van grond of geboue deur of aan die Raad te onderneem en kontrakte aan te gaan op 'n basis deur die Raad goedgekeur. | Stadsklerk
S S |
| 3.12 | Om gelde aan te beveel ten opsigte van die verhuur van eiendomme aangekoop of toegewys vir gebruik in verband met strate of die behoud van oorskrydinge op strate, ingevolge die Raad se beleid in hierdie verband. | Stadsklerk
S S |
| 3.13 | Om namens die Raad eise tot die eiendomsreg van munisipale grond deur verjaring te repudieer op grond van die bepalings van die Ordonnansie op Verjaring (Plaaslike Owerhede) nr 16 van 1964. | Stadsklerk |
| 3.14 | Om ten opsigte van die onderverdeling van grond deur verjaring te repudieer op grond van die bepalings van die Ordonnansie op Verjaring (Plaaslike Owerhede) nr 16 van 1964. | Stadsklerk |
| 3.15 | Om ten opsigte van die onderverdeling van grond te handel volgens beleid en voorskrifte deur die Raad bepaal. | Stadsklerk
S S
T E
T E P |

- 13 -

GEDELEGEERDE/S

3.16 Endossement van diagramme wat uit onderverdelings,
dorpstigting of ander transaksies ontstaan.

Stadsklerk
S S

H.1

HANDELSLISENSIES:

1.1 Om verantwoordelik te wees vir die administrasie
van die wetgewing rakende handelslisensies soos
van tyd tot tyd gewysig.

Stadsklerk
S S

H.2 HONDE:

- 2.1 Om die Ordonnansie op Hondelasting, nr 19 van 1978, te administreer.

Stadsklerk
T T

K.1 KIESERSLYSTE:

- 1.1 Om verantwoordelik te wees vir die opstel en hersien van die munisipale kieserslys.

Stadsklerk
S S

M.2 MONUMENTE:

- 2.1 Die beheer van standbeelde en monumente en voorwerpe van geskiedkundige belang en waarde wat onder beheer van die Raad val.

Stadsklerk

M.3

MOTORWEDRENNE:

- 3.1 Om met aansoeke vir motorwedrenne, motorfietskompetisies en soortgelyke aktiwiteite ingevolge die Wet op Padverkeer nr 29 van 1989, of enige wysiging daarvan, te handel, onderhewig in elke geval aan die verkryging van die Administrateur se goedkeuring, waar vereis word, deur die organiseerders.

Stadsklerk
S S
C T O

N.1

NATUURBEWARING:

- 1.1 Om ingevolge betrokke wetgewing op te tree ter beskerming van veldblomme, wilde voëls en wilde diere.

Stadsklerk
C P R

N.2

NOTULES EN AGENDAS:

- 2.1 Om verantwoordelik te wees vir die opstel van agendas en die hou van alle notules van die Raad.

Stadsklerk
S S

0.1

OPENBARE GERIEWE:

1.1

Om openbare geriewe in stand te hou en daaroor toesig te hou.

Stadsklerk
C P R
C H I

0.2

OPMETINGS:

2.1

Om verantwoordelik te wees vir die trigonometriese en tipografiese opmeting van die dorp.

Stadsklerk
T E

0.3

OPTOGTE:

3.1

Om aansoeke om die hou van optogte in strate te hanteer ingevolge die Raad se beleid en verordeninge in dié verband.

Stadsklerk
S S
C T O

P.1

PADVERKEER:

1.1

Om met die oprigting en/of verwydering van padverkeerstekens, ingevolge die Wet op Padverkeer nr 29 van 1989 en ingevolge die Padverkeersregulasies, of enige wysiging daarvan wat onder bogenoemde Wet afgekondig is, te handel en om die oprigting van sodanige tekens te magtig.

Stadsklerk
C T O

P.2

PARKEERGEBIEDE:

2.1

Om die onderhoud van alle openbare parkeergebiede wat deur die Raad voorsien word, te kontroleer en daarvoor verantwoordelik te wees.

Stadsklerk
T E
C T O

2.2

Om inhamme te bou op grond wat deur die Raad bekom is vir padverbeteringsdoeleindes.

Stadsklerk
T E

P.3

PARKEERMETERS:

3.1

Om beheer uit te oefen oor die installering en instandhouding van alle parkeermeters asook die insameling van parkeermetergelde.

Stadsklerk
T T
C T O

P.4

PERSONEEL:

4.1

Om, waar nodig, verantwoordelik te wees vir die formulering na raadpleging van die Personeelkomitee van beleid in verband met alle personeelsake en vir die inwerkingstelling van sodanige beleid.

Stadsklerk
P B

- | | | |
|-----|---|--|
| 4.2 | Om aanstellings van die personeel te maak, behalwe: | Stadsklerk
P B
Betrokke
departements-
hoof |
| | <ul style="list-style-type: none"> - Die Stadsklerk - Vlak 1 Hoofde - Vlak 2 Hoofde - Vlak 3 Hoofde | |
| 4.3 | Om personeelaanstelling na proeftyd te bekragtig behalwe ten opsigte van posvlakke 1, 2 en 3. | Stadsklerk
Betrokke
departements-
hoof |
| 4.4 | Om, binne die raamwerk van die jaarlikse begroting en die Raad se beleid, soos van tyd tot tyd bepaal, weekliks betaalde personeel aan te stel of te bevorder soos en wanneer dit nodig mag blyk, en wel op die toepaslike goedgekeurde loonskale wat, met inagneming van kwalifikasies en bevoegdhede, geregverdig is. | Stadsklerk
Betrokke
departements-
hoof |
| 4.5 | Om, waar nuwe dissiplines in die organisasie geskep moet word, sulke aanbevelings ten opsigte van nuwe poste deur die Personeelkomitee na die Geldsakekomitee te maak. | Stadsklerk
P B |
| 4.6 | Om alle funksies rakende personeel, insluitende die toepassing van die diensvoorwaardes behalwe dié wat spesifiek aan die Raad, 'n Komitee van die Raad of 'n ander persoon toegeken of opgedra word, te hanteer, waar nodig in oorleg met die betrokke departementshoof. | Stadsklerk
P B |
| 4.7 | Om weekliks betaalde personeel wat hulle aan ernstige wangedrag skuldig maak af te dank onderhewig aan die nakoming van die voorgeskrewe prosedure vir dissiplinêre verhoor. | stadsklerk
P B
Betrokke
departements-
hoof |

- 4.8 Om die diens van weekliks betaalde personeel wat nie langer benodig word nie, te beëindig, op voorwaarde dat 'n amptenaar wat deur sodanige afdanking of beëindiging van diens gegrief voel, benewens die reg van appêl na die Stadsmerk ook 'n reg van appêl na die Stadsraad sal hê.

Stadsmerk
Alle departe-
hoofde

- 4.9 Om die Standaardverordeninge insake Personeelverlof (PK 62 van 28 Januarie 1966) afgekondig vir die Stadsraad van Somerset-Wes by PK698 van 1 September 1967, soos van tyd tot tyd gewysig, te administreer en om verlof wat kragtens sodanige verordening verskuldig is, op die aanbeveling van die betrokke departementshoof, goed te keur.

Stadsmerk
P B

P.5

PLAKKERY:

- 5.1 Om namens die Raad op te tree ingevolge die bepalings van Artikel 3A (4)(b) van die Wet op die Voorkoming van Onregmatige Plakkery, nr 52 van 1951, soos gewysig.

Stadsmerk
S S

- 5.2 Om namens die Raad op te tree vir die uitoiening van die agentskapooreenkoms met die KPA vir die bestuur en dienslewering by die Waterkloof Deurgangskamp.

Stadsmerk

R.1

REGISTRASIE EN REKORDS:

1.1

Om verantwoordelik te wees vir die rekordhouding en administrasie van alle aspekte van die Argiefwet.

Stadsklerk
S S

R.2

REGSGEDINGE:

2.1

Om alle regsgedinge namens die Raad te hanteer.

Stadsklerk

2.2

Die instelling van uitsettingsprosedure in gevalle waar kennisgewings deur die Raad vir die ontruiming van munisipale eiendom nie nagekom is nie.

Stadsklerk
S S

2.3

Om verskyning aan te teken en/of die uitstel van regsgedinge te versoek waar die Raad die verdediger of respondent is en om daarna die saak na die Raad te verwys vir instruksies.

Stadsklerk

R.3

REKENAAR:

3.1

Om beheer uit te oefen oor die installering, bedryf instandhouding van die hoofraam.

Stadsklerk
T T

3.2

Netwerkstelsel

Stadsklerk

- | | | |
|-----|---|---------------------|
| R.4 | <u>REKLAME:</u> | |
| 4.1 | Om stappe te doen wat nodig mag blyk om reklame aan aangeleenthede rakende die dorp te verleen. | Stadsklerk |
| S.1 | <u>SKENKINGS:</u> | |
| 1.2 | Om oorbetalings van skenkings en toekennings te maak volgens die Raad se beleid en besluite in hierdie verband. | Stadsklerk
T T |
| S.2 | <u>SMOUSE:</u> | |
| 2.1 | Om namens die Raad die wetgewing betreffende die die beheer van smouse te administreer. | Stadsklerk
S S |
| S.3 | <u>STADSBEPLANNING:</u> | |
| 3.1 | Om vergunningsgebruikreg onder die bepalings van die Stadsbeplanningskema te weier of te verleen onderhe-
wig aan sodanige voorwaardes as wat wenslik geag word. | Stadsklerk
T E P |

3.2 Om, waar 'n goedkeuring in beginsel vir afwyking van die dorpsaanlegskema reeds deur die Raad verleen is, planne goed te keur wat ten volle aan genoemde beginsel-goedkeurings voldoen.

Stadsklerk
T E P
B C O

3.3 Om kleinere afwykings van die dorpsaanlegskema goed of af te keur.

Stadsklerk
T E P

3.4 Om die tegniese besonderhede van 'n skema wat finaal deur die Raad aanvaar en in die dorpsaanlegskema ingelyf is, uit te werk.

Stadsklerk
T E P

3.5 Om verlos ander as spesiale toestemming te verleen waar sodanige toestemming ingevolge die dorpsaanlegskema vereis word met dienverstande dat indien besware ontvang word, die verantwoordelike staande komitee van die Raad sodanige besware oorweeg.

Stadsklerk
T E P

S.4

STRATE EN OOP RUIMTES:

4.1 Om aansoeke van opvoedkundige, liefdadigheids- en godsdienstige organisasie vir die houd van straatmarke in enige straat of openbare plek af te handel.

Stadsklerk
S S

4.2 Om aansoeke om straatkollekte af te handel.

Stadsklerk
S S

4.3 Om die sluiting van strate ingevolge 'n aanvaarbare skema goed te keur, waar geen besware teen sodanige sluiting na die adverteer van die voorstel ontvang is nie.

Stadsklerk
S S
T E

4.4 Om namens die Raad alle magte aan die Raad toegeken ingevolge bestaande verordeninge betreffende die tydelike sluiting van strate, uit te oefen.

Stadsklerk
T E

4.5 Om eiendom wat in straatverbeteringskemas betrokke is, te herstel of te verander, ingevolge die ooreengekome prosedure. Stadsclerk
T E

4.6 Om die benaming van paaie en strate te onderneem en, waar nodig, nuwe name daaraan toe te ken. Stadsclerk
S S

T.1 TELEFOONHOKKIES:

1.1 Om die oprigting van openbare telefoonhokkies op gedeeltes van strate goed te keur. Stadsclerk
S S

T.2 TENDERS:

2.1 Om informele tenders te aanvaar vir die uitvoer van werk of die verskaffing van materiaal of goedere wat deur enige afdeling benodig word, ten opsigte van enige item waarvan die tenderbedrag nie die bedrag, soos deur die Administrateur van tyd tot tyd bepaal oorskry nie. Stadsclerk
Betrokke
departements-
hoof

- 2.2 Om enige item aan te skaf waarvan die prys nie die bedrag, soos deur die Administrateur van tyd tot tyd bepaal, oorskry nie, op voorwaarde dat sodanige item aangekoop word teen die voorsiening daarvoor gemaak op die lopende begroting; indien hy van die Raad sou wees om nie tenders vir sodanige item te vra nie, dit aangekoop word sonder die vra van tenders hoegenaamd.

Stadsklerk
Departements-
hoofde

- 2.3 Om tenders of kwotasies te aanvaar vir die verkoop van goedere, neweprodukte, afvalmateriaal of afval, onderworpe aan die bepalings van artikel 172 van Ordonnansie nr 20 van 1974.

Stadsklerk
T T

- 2.4 Om in dringende gevalle bestellings te plaas ingevolge Artikel 172(8)(a) van Ordonnansie nr 20 van 1974, waar die waarde van die bestelling die bedrag soos van tyd tot tyd deur die Administrateur bepaal oorskry sonder om tenders in te wag op voorwaarde dat informele tenders ingewag sal word en indien informele tenders nie moontlik is nie, die Stadsklerk na goeddunke sal optree voordat aankope gemaak word en al sodanige aankope aan die Raad by sy eersvolgende vergadering gerapporteer word.

Stadsklerk
S S
T T

V.1

VERKEER:

- 1.1 Om die munisipale verkeersmag te beheer en alle sake betreffende verkeer te reël.

Stadsklerk
C T O

- 1.2 Om in die algemeen verantwoordelik te wees vir die bestuur van die munisipale verkeersafdeling.

Stadsklerk
C T O

V.2 VERKOPE:

- 2.1 Om die verkoop van goedere, insluitende koerante en tydskrifte, op openbare strate en paaie te beheer. Stadsklerk
S S

V.3 VERMAAKLIKHEID:

- 3.1 Om alle plekke van openbare vermaaklikheid te beheer. Stadsklerk
S S
CPR

- 3.2 Om alle aansoeke te hanteer vir goedkeuring ten opsigte van openbare vermaaklikheid of bioskoopopvoerings en in die algemeen om die bepalings van die wetgewing betreffende openbare plekke van vermaaklikheid, bioskoopopvoerings, ensovoorts, te administreer met inagneming van enige voorwaardes deur die Raad bepaal. Stadsklerk
S S

V.4 VERORDENINGE EN REGULASIES:

- 4.1 Behoudens andersluidende bepalings, om die Raad se verordeninge te administreer en om alle roetinevervolgings vir enige oortreding van die Raad se verordeninge, soos van tyd tot tyd gewysig, te onderneem, en ook sodanige verordeninge op deurlopende basis by te hou. Stadsklerk
S S

V.5

VERSEKERING:

Om beheer uit te oefen oor die Raad se versekeringsportefeulje, en die administrasie van alle aangeleenthede met betrekking tot die versekering van die Raad se bates te hanteer.

Stadsklerk
T T

W.1

WINKELURE:

1.1

Om verantwoordelik te wees vir die administrasie van alle wetgewing rakende winkelure en soos van tyd tot tyd gewysig.

Stadsklerk
S S

TERMS OF REFERENCE AND FUNCTIONAL PROCEDURE

HEADS OF DEPARTMENT CORPORATE MANAGEMENT TEAM (CMT)

1. The Heads of Department under the Chairmanship of the Town Clerk shall constitute a formal body in the management structure of the Council's organisation.

The mission of the Team is to co-ordinate the management of functional activities of the various departments through a process of joint decision-making.

2. The Team shall comprise the Town Clerk, Town Engineer, Town Electrical Engineer, Town Secretary, Town Treasurer, Chief : Parks and Recreation and Chief : Personnel Services (Branch Heads will be co-opted as and when the need arises).
3. The Secretary will be elected by the Team from available members or an official from the Town Secretary's Department.

4. QUORUM

A quorum shall be fixed at 4 members.

5. MEETINGS

- 5.1 The Team shall meet at least twice a month to consider submitted items.

- 5.2 Any member of the Team may request an instant meeting with the view to discuss a matter of exigency. Prior notice of 24 hours will be required to call an instant meeting and must be motivated with a written resume of the item to be discussed.

6. ATTENDANCE

In the unavoidable absence of a Head of Department from a meeting, his deputy, who must be fully briefed in order to convey his department's attitude on matters to be discussed, will attend such a meeting and will be eligible to vote on behalf of the Department Head.

7. EXECUTION OF BUSINESSES

The Team will assist the Town Clerk in the disposal of or recommendation to the relevant Standing Committee of the following:

7.1 Referred Matters

The Team shall consider, determine or make recommendations in respect of any matter referred to it by the Council, Town Clerk, a Head of Department (including Branch Heads not represented on the Team).

7.2 Appointments

To appoint work groups and project leaders for specific projects, tasks or investigations to be conducted.

7.3 Report-backs

To receive and consider progress reports from Department Heads and project leaders on specific or multi faceted projects.

7.4 Budget Proposals

To make recommendations to the Finance Committee on all matters concerning budget formulation, implementation and matters that have a financial implication for the Council.

7.5 Corporate Affairs

7.5.1 To advise the Council on policy issues;

7.5.2 To formulate policy for consideration by the Council;

7.5.3 To promote corporate planning and management;

7.5.4 To consider departmental reports and make recommendations thereon to the relevant Standing Committee;

7.5.5 To consider organisational development and change, i.e. organisational development, privatisation, strategic planning, etc.;

7.5.6 To identify incentives and to promote desirable development of the Town;

7.6 Staff and administrative policy

- 7.6.1 To advise and formulate staff and administrative policies, procedures, guidelines and objectives for the organisation;
- 7.6.2 To hold discussions with representatives of recognised staff associations and the Middle Management Team on a regular basis with the view to addressing problems and maintaining good working relations.

8. DETERMINATION OF DECISIONS

- 8.1 The decisions of the Team shall be taken by consensus or majority vote.
- 8.2 The Town Clerk, as Chief Executive and Chairman, is entitled to a casting as well as a deliberative vote.
- 8.3 The Town Clerk shall refer any decision of the Team, which requires further approval, to the relevant Standing Committee with his own report, if deemed necessary by him as accountable officer.
- 8.4 A Head of Department who is in the minority in respect of any matter or report, which falls within his professional and functional jurisdiction shall have the right to submit a minority report to the relevant Standing Committee.

9. AMENDMENTS

The terms of reference may be amended by means of consensus or majority vote of the Team as and when circumstances may require.

Q U E S T I O N N A I R E

COMMITTEE SYSTEMS OF LOCAL AUTHORITIES IN THE CAPE PROVINCE

MUNICIPALITY :

GRADE :

COMPLETED BY :

DESIGNATION :

TELEPHONE NO. :

-----oo00oo-----

1. When did your municipality obtain the present grading?
.....
2. What is the salaried staff complement of your municipality?
.....
3. What is the total population of your municipality?
.....
4. How many councillors serve on your town/city council?
.....
5. How many ordinary meetings does your council have per month?
.....
6. Does your municipality have standing committees? (i.e. a multiple committee system).

Yes ☐ No ☐

- 2 -

7. If yes, name the various committees and indicate how often each of these committees meet per month.

Standing
Committee/s

Meetings
per month

.....

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8. What is the aim and the purpose of each of these committees?

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9. How many councillors serve on each standing committee?

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.....

- 3 -

10. Is it the practice in your municipality for a councillor to serve on more than one standing committee?

Yes ☐ No ☐

11. If yes, on how many standing committees?

.....

12. Who elects the members of the standing committees?

.....

.....

13. Who elects the chairman and vice chairman of the standing committees?

.....

.....

14. Indicate whether the members of a standing committee are elected in a manner different to that indicated in question 12. (i.e. do chairmen of standing committees automatically become members of another committee?)

.....

.....

.....

15. Do all the councillors serve on at least one standing committee?

Yes ☐ No ☐

16. Does the mayor serve on a standing committee or does he serve ex officio on all the committees?

.....

.....

.....

17. Does your municipality have an executive/management committee?

Yes ☐ No ☐

- 4 -

18. If yes, what is the relationship between your executive/management and standing committees?

.....
.....
.....

19. How many councillors serve on the executive/management committee?

.....

20. How often does the executive/management committee meet per month?

.....

21. What is the aim and the purpose of the executive/management committee?

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22. Please attach a copy of the terms of reference of the executive/management committee and of the standing committees, the delegations to such committees and to officials.

- 5 -

23. Briefly set out or attach a copy of the organisational structure of your municipality. (i.e. council, committees and departments).

24. Has your committee system changed over the past five years?

Yes ☐ No ☐

25. If yes, why?

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- 6 -

26. Briefly describe the characteristics of the previous committee system.

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27. In your opinion does the present committee system operate satisfactorily?

Yes ☐ No ☐

NB. If your answer is no, please answer question 31.

28. If yes, briefly indicate the reasons why the system functions satisfactorily.

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29. Although the committee system may function satisfactorily, is there room for improvement?

Yes ☐ No ☐

- 7 -

30. If yes, briefly indicate how the system can be improved.

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31. If your answer to question 27 is no, what improvements can/should be introduced to the committee system?

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32. Has your council ever co-opted members of the public to serve on its committees?

Yes ☐ No ☐

33. May a councillor who is not a member of a particular standing committee attend meetings of such a committee?

Yes ☐ No ☐

- 8 -

34. If yes, what procedure should the councillor follow to enable him to attend the meeting of such committee? (i.e. as a non-member).

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.....
.....
.....
.....

35. Do non-committee members have a vote?

Yes ☐ No ☐

36. Do standing committees as a rule vote on matters or is the consensus principle followed?

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.....
.....

37. Has your municipality established a management team comprising heads of department?

Yes ☐ No ☐

38. If yes, briefly describe its modus operandi and main functions.

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.....
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.....
.....
.....
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.....
.....

- 9 -

39. Are there management committees which have been established in terms of P.N.1243/1976 of 23 December 1976 in your municipal area?

Yes ☐ No ☐

40. If yes, has your council and the management committee/s "amalgamated" in terms of the provisions of Section 8 of the Interim Measures for Local Government Act, 128 of 1991?

Yes ☐ No ☐

41. If yes, has this "merger" lead to a change in your committee system?

Yes ☐ No ☐

42. If yes, describe briefly. (i.e. if not already dealt with in question 25).

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THE INFORMATION CONTAINED IN THIS DOCUMENT WILL BE TREATED STRICTLY CONFIDENTIAL.

PLEASE RETURN COMPLETED QUESTIONNAIRE TO:

D G BARLÉ
MUNICIPALITY
PO BOX 19
SOMERSET WEST
7129

STATISTICS OF RETURNED QUESTIONNAIRES

GRADES OF LOCAL AUTHORITIES	5 & 6	7 - 9	10 - 15	NOTES
TOTAL IN CAPE PROVINCE	43	34	11	
RESPONDED	29 (67%)	28 (82%)	10 (91%)	
MULTIPLE COMMITTEE SYSTEM	20 (69%)	14 (50%)	6 (60%)	
PORTFOLIO SYSTEM	5 (18%)	5 (18%)	1 (10%)	
MANAGEMENT COMMITTEE SYSTEM	1 (3%)	2 (7%)	1 (10%)	
NO COMMITTEES	3 (10%)	7 (25%)	2 (20%)	
ONE COUNCIL MEETING PER MONTH & COMMITTEES	22 (76%)	18 (64%)	6 (60%)	
ONE COUNCIL MEETING PER MONTH - NO COMMITTEES	1 (3%)	2 (7%)	1 (10%)	
TWO OR MORE COUNCIL MEETINGS PER MONTH - NO COMMITTEES	2 (7%)	5 (18%)	1 (10%)	
TWO COUNCIL MEETINGS PER MONTH & COMMITTEES	4 (14%)	3 (11%)	2 (20%)	
COUNCILLORS SERVING ON MORE THAN ONE COMMITTEE	17 (59%)	12 (43%)	4 (40%)	
COMMITTEE SYSTEM CHANGED THE PAST FIVE YEARS	8 (1)	13 (3)	2 (1)	() = change limited to alteration in number of committees

ANNEXURE "E" (Cont'd)

MANAGEMENT COMMITTEE AMALGAMATED (+)	7 (6)	3 (7)	3 (1)	() = meet & work together but not formally "amalgamated"
DELEGATIONS TO COMMITTEES & OFFICIALS	2 (10%)	6 (38%)	5 (71%)	() = multiple & management committee systems only
CORPORATE MANAGEMENT TEAM	19	25 (1)	9 (5)	() = formal recognition
NUMBER OF OF COUNCILLORS	Low : 6 High: 8	Low : 6 High: 10	Low : 10 High: 34	
SALARIED STAFF	Low : 20 High: 89	Low : 60 High: 282	Low : 261 High: 7750	

EXPLANATION :

(+) Management Committee = Municipal Council amalgamated with Management Committees instituted for the Coloured and Indian population groups.

PLIGTE EN VERANTWOORDELIKHEDE
VAN DIE
STADSKLERK EN HOOFDE VAN DEPARTEMENTE

1. STADSKLERK

Die funksies en pligte van die Stadsklerk is as volg:

- 1.1 Ingevolge die Munisipale Ordonnansie, nr 20 van 1974 as Hoofuitvoerende en Administratiewe Beampte van die Raad en is as sodanig verantwoordelik aan die Raad vir die oorhoofse beheer, administrasie en koördinasie van alle munisipale bedrywighede;
- 1.2 Die bekleër se magte en beperkings van gesag word ontleen aan die verskillende statutêre en ander wetgewing van toepassing op plaaslike owerhede sowel as sodanige magte en pligte wat van tyd tot tyd deur die Stadsraad aan hom gedelegeer of opgedra mag word;
- 1.3 Dien as skakel tussen die Raad en die publiek om raadsbeleid oor te dra en te vertolk en ook as skakel tussen Raad en die Provinsiale Administrasie, staatsdepartemente, ander plaaslike owerhede en instellings;
- 1.4 Hoof van Burgerlike Beskerming en as sodanig ook verantwoordelik vir munisipale sekuriteit;
- 1.5 Adviseer Raad insake wetlike aspekte van raadsbeleid en raadsbesluite;
- 1.6 Woon raads- en komiteevergaderings by in hoedanigheid as hoofuitvoerende beampte, en is
- 1.7 Verantwoordelik vir personeelsaangeleenthede sowel as personeelaanstellings.

2. STADSEKRETARIS

Die funksies en pligte van die Stadsekretaris is as volg:

- 2.1 Verantwoordelik as departementshoof aan die Stadsklerk vir die algemene beheer en administrasie van die volgende funksies en pligte ingevolge die betrokke wetgewing of raadsbeluite:
 - (a) voorbereiding van agenda en notule vir raads- en komiteevergaderings;
 - (b) afhandeling van raadsbesluite;
 - (c) afhandeling van korrespondensie;
 - (d) opstel en byhou van kieserslys asook voorbereiding vir verkiesings;
 - (e) handelslisensies;
 - (f) bewaring van dokumente en lêers in argief;
 - (g) indiensopleiding van personeel in die departement;
 - (h) opstel en wysiging van verordeninge;
 - (i) eiendomstransaksies;
 - (j) onderhoude met lede van die publiek;
 - (k) munisipale gebou (toesig oor skoonmaak, instandhouding);
 - (l) openbare onthale;
 - (m) stadsaal, en
 - (n) behuisingsaangeleenthede.
- 2.2 Adjunk-hoof van Burgerlike Beskerming;
- 2.3 Neem waar as Stadsklerk gedurende afwesigheid van Stadsklerk;
- 2.4 Om beheer uit te oefen oor die begroting en beplanning van sy departement;
- 2.5 Departementshoof vir Gesondheidsafdeling, Verkeersafdeling, Biblioteek en Kliniek;

- 2.6 Die bekleër van hierdie pos beskik oor sodanige magte as wat redelikerwys en noodsaaklikerwys gepaard gaan met sy betrekking ten einde die oogmerke soos hierbo uiteengesit, in die mees bekwame manier moontlik te bereik. Slegs sodanige sake wat, volgens die diskresie van die bekleër, nodig is om vir 'n beslissing aan 'n hoër gesag voor te lê, moet tesame met enige aanbevelings wat hy wil maak na die Stadsklerk vir 'n beslissing verwys word.

3. STADSTESOURIER

Die funksies en pligte van die Stadstesourier is as volg:

- 3.1 Verantwoordelik as departementshoof aan die Stadsklerk vir die algehele beheer en administrasie van die volgende funksies en pligte ingevolge die betrokke wetgewing en raadsbesluite:
- (a) Beheer oor alle funksies en rekeningkundige rekords soos vereis deur Staatstesourie en die Provinsiale Administrasie;
 - (b) Voorbereiding van jaarlikse begroting van inkomste en uitgawe;
 - (c) Voorbereiding van jaarlikse kapitaalbegroting;
 - (d) Oorhoofse beplanning en administratiewe implementering van die finansiële sake van die Munisipaliteit ingevolge vereistes van Staatstesourie en Provinsiale Administrasie.
- 3.2 Die bekleër van hierdie pos beskik oor sodanige magte as wat redelikerwys en noodsaaklikerwys gepaard gaan met sy betrekking ten einde die oogmerke soos hierbo uiteengesit in die mees bekwame manier moontlik te bereik. Slegs sodanige sake wat, volgens die diskresie van die bekleër, nodig is om vir 'n beslissing aan 'n hoër gesag voor te lê, moet tesame met enige aanbevelings wat hy wil maak na die Stadsklerk vir 'n beslissing verwys word.

4. ELEKTRIESE STADSINGENIEUR

Die funksies en pligte van die Elektriese Stadsingenieur is as volg:

4.1 Verantwoordelik aan die Stadsklerk vir die algehele beheer en administrasie van die volgende funksies en pligte ingevolge die betrokke wetgewing en raadsbesluite:

- (a) Beplanning, installering en instandhouding van alle elektriese benodigdhede van die Munisipaliteit in samewerking waar nodig met raadgewers en ander buite instansies;
- (b) Om die werk van ondergeskiktes wat direk aan hom verantwoordelik is, behoorlik te kontroleer en te reguleer;
- (c) Om beheer uit te oefen oor die begroting en beplanning van sy departement.

4.2 Die bekleër van hierdie pos beskik oor sodanige magte as wat redelikerwys en noodsaaklikerwys gepaard gaan met sy betrekking ten einde die oogmerke soos hierbo uiteengesit, in die mees bekwame manier moontlik te bereik. Slegs sodanige sake wat, volgens die diskresie van die bekleër, nodig is om vir 'n beslissing aan 'n hoër gesag voor te lê, moet tesame met enige aanbevelings wat hy wil maak na die Stadsklerk vir 'n beslissing verwys word.

5. STADSINGENIEUR

Die funksies en pligte van die Stadsingenieur is as volg:

5.1 Verantwoordelik aan die Stadsklerk vir die algehele beheer en administrasie van die volgende funksies en pligte ingevolge die betrokke wetgewing en raadsbesluite:

- (a) Die beplanning, installering en instandhouding van alle siviele ingenieursbenodigdhede van die Munisipaliteit in samewerking met raadgewers en instansies van buite;
- (b) Stadsbeplanning en boubeheer;
- (c) Om beheer uit te oefen oor die werk van ondergeskiktes wat direk aan hom verantwoordelik is;
- (d) Om beheer uit te oefen oor die begroting en beplanning van sy departement.

5.2 Die bekleër van hierdie pos beskik oor sodanige magte as wat redelikerwys en noodsaaklikerwys gepaard gaan met sy betrekking ten einde die oogmerke soos hierbo uiteengesit, in die mees bekwame manier moontlik te bereik. Slegs sodanige sake wat, volgens die diskresie van die bekleër, nodig is om vir 'n beslissing aan 'n hoër gesag voor te lê, moet tesame met enige aanbevelings wat hy wil maak, na die Stadsklerk vir 'n beslissing verwys word.

6. HOOF: PARKE EN ONTSPANNING

Die funksies en pligte van die Hoof: Parke en Ontspanning is as volg:

6.1 Verantwoordelik aan die Stadsklerk vir die algehele beheer en administrasie van die volgende funksies en pligte ingevolge die betrokke wetgewing en raadsbesluite:

- (a) begraafplaas;
- (b) sportgeriewe;
- (c) publieke oopruimtes (ontwikkeld en onontwikkeld);
- (d) sypaadjies;
- (e) kwekery;
- (f) natuurlike gebiede;
- (g) onontwikkelde erwe;
- (h) burgerlike versierings;
- (i) rekreasie, en
- (j) omgewingsleer.

6.2 Om beheer uit te oefen oor die begroting en beplanning van sy departement;

6.3 Die bekleër van hierdie pos beskik oor sodanige magte as wat redelikerwys en noodsaaklikerwys gepaard gaan met sy betrekking ten einde die oogmerke soos hierbo uiteengesit in die mees bekwame manier moontlik te bereik. Slegs sodanige sake wat, volgens die diskresie van die bekleër, nodig is om vir 'n beslissing aan 'n hoër gesag voor te lê, moet tesame met enige aanbevelings wat hy wil maak na die Stadsklerk vir 'n beslissing verwys word.

7. HOOF: PERSONEELDIENSTE

Die Hoof: Personeeldienste is verantwoordelik aan die Stadsklerk vir die lewering van die volgende personeeldienste funksies aan die Raad ingevolge betrokke wetgewing en raadsbeleid:

- (a) Voorsiening in menslike hulpbronbehoefte deur doeltreffende werwing en mannekragbeplanning;
- (b) Personeeladministrasie- en benutting;
- (c) Instandhouding en bevordering van goeie nywerheidsverhoudinge binne die organisasie;
- (d) Beplanning en koördinasie van personeelontwikkeling- en opleiding;
- (e) Omsien na algemene motivering en welstand van personeelkorps, en
- (f) Oorhoofse beheer en administrasie van vergoeding en byvoordele van personeel.

PROPOSED AMENDMENTS TO THE DELEGATIONS TO PRINCIPAL OFFICERS

The following amendments, in chronological order are recommended to the existing delegations to the principal officers:

- Add the following delegation under "Advertensies en Advertensietekens"

"1.6 to grant permission on application by political parties, for the display of posters and/or placards in Main Street between Lourensford and Fagan Streets in respect of public political meetings to be held in the magisterial districts of Somerset West, Stellenbosch and the Strand, and that the conditions to be imposed in terms of regulations 22(i) of the Standard Regulations relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets, promulgated under P.N. 593/1958, as amended in respect of advertising notices for government elections or referendums, shall apply *mutatis mutandis*, provided that not more than 15 posters and/or placards in the abovementioned area of Somerset West are displayed."

- Add the following delegations under "Bome"

"5.2 to level the sidewalks and to supply soil where the owner of the abutting property undertakes to plant and maintain grass on such pavement."

"5.3 to render assistance whenever and where it is possible to Old Age Homes in beautifying the grounds by the planting of shrubs and trees and the development of a rockery on condition that the maintenance thereof be undertaken by the residents themselves."

- Delete delegation 7.1 under "Brandweer" and replace by
 - "7.1 to be responsible for the Council's fire fighting service, enforcement of the fire brigade regulations and the regulations for preventing conditions likely to further the spread of fires and regulations relating to the removal of vegetation from land."
- Add the following delegations under "Finansies"
 - "1.18 to conclude a temporary overdraft facility to a maximum amount of R100 000."
 - "1.19 to take possession, lease or sell immovable property in respect of which rates have not been paid as prescribed in Section 94 of Municipal Ordinance 20 of 1974."
 - "1.20 to, in the case of public liability claims which fall within the compulsory excess payment, determine whether there is:
 - general liability on the part of the Council in which case payment of the claim may be authorised;
 - specific negligence on the part of an employee in which case the cost be recouped from such official, provided that doubtful cases are submitted to the Council for decision."
 - "1.21 to utilise monies from the Consolidated Capital Development and Loans Fund for the purchase and sale of municipal stock, debentures and bills."

- "1.22 to raise advances from the Consolidated Capital Development and Loans Fund for the financing of capital expenditure, subject to the procedure as prescribed in Section 116 of Municipal Ordinance 20 of 1974 being adhered to."
- "1.23 to approve the payment by the Council of any medical aid fund claim of an official, provided that any claim so paid is recovered by means of instalments from such official."
- Add the following delegation under "Gemeenskapfasiliteite"
- "1.3 to make the town hall available free of charge to four local non-politically orientated organisations during the period January to July, subject to such organisations paying the applicable deposit to cover possible damage to the hall and the basic cleaning and caretaker's fees."
- Add the following delegations under "Grond"
- "3.17 to approve applications for subdivision in respect of erven situated within an area in respect of which an approved structure plan exists, subject to such applications being in conformity with the structure plan and to the removal of restrictive title conditions not being a prerequisite for the proposed subdivision and objections having been received against the removal of such conditions."
- "3.18 to grant special consent to businesses situated on erven zoned for general business purposes and requiring a workshop licence for repairing any goods or tailoring if no objections have been received in response to the prescribed press notices."

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- "3.19 to approve applications for the Council's special consent in terms of the Zoning Scheme on condition that no objections are received in response to the prescribed advertisement."
 - "3.20 to approve all Home Owner's Association Constitutions."
 - "3.21 to approve the relaxation of building lines, subject to the serving of notice of intention to approve such relaxations on affected property owners."
 - "3.22 to approve sectional title applications subject to the town planning, building and other requirements laid down in the Sectional Titles Act 95 of 1986, as amended having been complied with."
 - "3.23 to dispose of applications under the Removal of Restrictions Act 84 of 1967, as amended provided no objections have been received."
 - "3.24 to review lease agreements for access and garden purposes at the rental determined by the Council from time to time."
- Add the following delegations under "Padverkeer"
- "1.2 to be responsible for the examination of vehicles and issuing of roadworthy certificates and certificates of fitness in terms of the Road Traffic Act 29 of 1989."
 - "1.3 to be responsible for the testing of persons for learner's and driver's licences and the issuing of licences in this regard."

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- Add the following delegation under "Personeel"
 - "4.10 to approve applications for unpaid maternity leave, taking into consideration the recommendation of the head of department."
- Add the following delegations under "Strate en Oop ruimtes"
 - "4.7 to be responsible for the establishment, beautification and maintenance of parks, cemeteries, open spaces and places of public recreation."
 - "4.8 to authorise local ratepayer's associations and political parties to man tables in Main Street for the purpose of recruiting voters for municipal and parliamentary voters' rolls."
- Add the following section "Munisipale Geboue en Voertuie"
 - "To be responsible for the maintenance of all municipal buildings and vehicles."